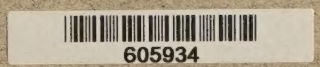
University of London


605934

Digitized by the Internet Archive
in 2026

https://archive.org/details/publicbills0005grea_h6m6

B I L L S,

PUBLIC:

FIVE VOLUMES.

—(5.)—

RAILWAY (GUARDS' AND PASSENGERS' COMMUNICATION)

TO

WRITS REGISTRATION (SCOTLAND).

Session

1 *February* —— 10 *August* 1866.

VOL. V.

1866.

B I L L S:

1866.

FIVE VOLUMES:—CONTENTS OF THE

FIFTH VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Bill; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

Railways (Guards' and Passengers' Communication):

81. Bill to compel the Directors of Railway Companies to provide efficient Means of Communication between the Travellers by and the Guards in charge of Railway Trains - - - - - - - - - - - - - - p. 1

Railways (Ireland) Temporary Advances:

220. Bill to enable the Public Works Loan Commissioners to make temporary Advances to Railway Companies in *Ireland* - - - - - - - - - 5

Rateable Property (Ireland):

135. Bill to consolidate and amend the Laws relating to the Valuation of Rateable Property in *Ireland* - - - - - - - - - - - - - 11

Real Estate Intestacy:

69. Bill for the better settling the Real Estates of Intestates - - - - - 29

Redistribution of Seats:

138. Bill for the Redistribution of Seats - - - - - - - - - - 33

Reformatory Schools:

162. Bill to consolidate and amend the Acts relating to Reformatory Schools in *Great Britain* - - - - - - - - - - - - - - - 49

184. Same [as amended in Committee] - - - - - - - - - - 65

Representation of the People:

68. Bill to extend the Right of Voting at Elections of Members of Parliament in *England* and *Wales* - - - - - - - - - - - - - - 87

Representation of the People (Ireland):

142. Bill to amend the Representation of the People in *Ireland* - - - - 103

Representation of the People (Scotland):

140. Bill further to amend the Laws relating to the Representation in Parliament of the People of *Scotland* - - - - - - - - - - - - - 123

Revising Barristers Qualifications:

208. Bill to amend the Law relating to the Qualifications of Revising Barristers - 165

Rochdale Vicarage:

38. Bill for vesting the Glebe Lands of the Vicarage of *Rochdale*, in the County of *Lancaster*, in the Ecclesiastical Commissioners for *England*, and for making Provision for the Endowment of the said Vicarage in lieu thereof, and for the Promotion of other Ecclesiastical Purposes connected therewith - p. 169

196. Same [as amended by the Select Committee] - - - - - - - 187

Sale of Land by Auction:

155. Bill, intituled, An Act for amending the Law of Auctions of Estates - - 209

Sale and Purchase of Shares:

189. Bill to amend the Law in respect of the Sale and Purchase of Shares in Banking and other Companies - - - - - - - - - - - - 217

Salmon Fisheries (Scotland) [H. L.]:

156. Bill, intituled, An Act to amend the Law relating to Salmon Fisheries in *Scotland*, 221

Savings Banks and Post Office Savings Banks:

5. Bill for amending the Laws relating to the Investments on account of Savings Banks and Post Office Savings Banks - - - - - - - 293

Sea Coast Fisheries (Ireland):

147. Bill to amend the Law of *Ireland* as to the Sea Coast Fisheries - - - 297

Sheriff Court Houses (Scotland) Act (1860) Amendment:

56. Bill to amend certain Provisions of "The Sheriff Court Houses (Scotland) Act, 1860" - - - - - - - - - - - - - - - 315

Solicitor to the Treasury:

152. Bill to make further Provision for the Performance of the Duties of Solicitor for the Affairs of Her Majesty's Treasury - - - - - - - - 319

Standards of Weights, Measures, and Coinage:

166. Bill to amend the Acts relating to the Standard Weights and Measures, and to the Standard Trial Pieces of the Coin of the Realm - - - - - - 323

Straits Settlements:

176. Bill to provide for the Government of the "Straits Settlements" - - 327

Summary Procedure (Scotland):

64. Bill to improve the Administration of the Law as respects Summary Procedure before Justices of the Peace in *Scotland*, and to amend "The Summary Procedure Act, 1864" - - - - - - - - - - - - 331

Superannuations (Officers, Metropolitan Vestries, and District Boards):

52. Bill to provide for Superannuation Allowances to Officers of Vestries and District Boards within the Area of the Metropolis Local Management Act - 341

108. Same [as amended in Committee] - - - - - - - - - 345

Telegraph Act Amendment:

23. Bill, intituled, An Act to amend "The Telegraph Act, 1863" - - - 349

Tenure and Improvement of Land (Ireland):

130. Bill further to amend the Law relating to the Tenure and Improvement of Land in *Ireland* - - - - - - - - - - - - - - 353

Terminable Annuities:

144. Bill to provide for the Creation of certain Terminable Annuities - p. 365

Tests Abolition (Oxford):

15. Bill to provide for the Abolition of Religious Tests in connexion with Academical Degrees and Offices in the University of *Oxford* - - - - - 369

Thames Navigation:

59. Bill for vesting in the Conservators of the River *Thames* the Conservancy of the *Thames* and *Isis* from *Staines*, in the County of *Middlesex*, to *Cricklade*, in the County of *Wilts*, and also that of *Colemouth Creek* and Part of the Waters of the *Medway*, in the County of *Kent*; and for other Purposes connected therewith - - - - - - - - - - - - - - 373

205. Same [as amended by the Select Committee] - - - - - - 401

Tithe Rentcharge (Ireland):

110. Bill to provide for the Triennial Variation of Rentcharges in lieu of Tithes in *Ireland*, and the Re-applotment and Apportionment of such Rentcharges, in certain Cases - - - - - - - - - - - - - - 437

Traffic Regulation (Metropolis):

227. Bill for regulating the Traffic in the Metropolis, and for making Provision for the greater Security of Persons passing through the Streets; and for other Purposes - - - - - - - - - - - - - 443

Tramways (Ireland) Acts Amendment:

149. Bill to amend "The Tramways (*Ireland*) Act, 1860," and "The Tramways (*Ireland*) Amendment Act, 1861" - - - - - - - - - 455

213. Same [as amended by the Select Committee] - - - - - - 459

Transubstantiation, &c. Declaration Abolition:

82. Bill to abolish a certain Declaration, commonly called the Declaration against Transubstantiation, Invocation of Saints, and the Sacrifice of the Mass, as practised in the Church of *Rome*; and to render it unnecessary to take, make, or subscribe the same as a Qualification for the Exercise or Enjoyment of any Civil Office, Franchise, or Right - - - - - - - - 467

Trusts (Scotland):

65. Bill to facilitate the Administration of Trusts in *Scotland* - - - - 471

Turnpike Acts Continuance:

229. Bill to continue certain Turnpike Acts in *Great Britain*, and to make further Provision concerning Turnpike Roads - - - - - - - - 483

Turnpike Roads:

39. Bill to provide for the Maintenance of the Turnpike Roads of *England* and *Wales* as Public Highways, and for the Discharge of the Debts due thereon by voluntary Commutation - - - - - - - - - - - 499

113. Bill to provide for the Maintenance of the Turnpike Roads of *England* and *Wales* as Public Highways, and for the Discharge of the Debts due thereon by voluntary Commutation - - - - - - - - - - - 519

Turnpike Trusts Arrangements:

228. Bill to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts - - - - - - - - - - - - 539

Vaccination:

33. Bill to consolidate and amend the Statutes relating to Vaccination in *England* 543

173. Same [as amended by the Select Committee] - - - - - - 557

Valuation of Lands and Heritages (Scotland):

73. Bill to improve the present System of the Valuation of Lands and Heritages in *Scotland* - - - - - - - - - - - - - P. 573

Veterinary Surgeons:

121. Bill to prevent any Person who has not obtained the Diploma of the Royal College of Veterinary Surgeons from assuming the Title of Veterinary Surgeon - 581

Waterworks:

61. Bill to make better Provision for the Security of Reservoirs, and otherwise to amend the Law relating to Waterworks - - - - - - - 585

137. Same [as amended in Committee] - - - - - - - - - 599

195. Same [as amended in Committee, and on Re-commitment] - - - 613

Writs Registration (Scotland):

63. Bill to improve the System of Registration of Writs relating to Land in *Scotland*, and to amend the Law relating to Inhibitions and Adjudications - - 627

203. Same [as amended by the Select Committee] - - - - - - 639

A TABLE, AND INDEX,

OF THE

PUBLIC GENERAL ACTS

Passed in the First Session of the 19th Parliament of the United Kingdom of *Great Britain* and *Ireland*.

29° & 30° VICT.—1 *February*——10 *August* 1866.

THE TABLE.

29° & 30° VICT.

Cap.		*Royal Assent.*
I.	AN ACT to empower the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to apprehend, and detain for a limited Time, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government - - - - - - - - - - -	18 February.
II.	AN ACT to amend the Law relating to Contagious or Infectious Diseases in Cattle and other Animals - - - - - - - -	20 February.
III.	AN ACT to amend the Telegraph Act, 1863 - - - - -	6 March.
IV.	AN ACT to amend the Law relating to Contagious Diseases amongst Cattle and other Animals in *Ireland* - - - - - - - -	6 March.
V.	AN ACT for amending the Laws relating to the Investments on account of Savings Banks and Post Office Savings Banks - - - -	13 March.
VI.	AN ACT to apply the Sum of One million One hundred and thirty-seven thousand Seven hundred and Seventy-two Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first day of March One thousand Eight hundred and Sixty-six - - - - - -	13 March
VII.	AN ACT to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess *Helena Augusta Victoria* - - - - - -	23 March.
VIII.	AN ACT to enable Her Majesty to provide for the Support and Maintenance of His Royal Highness Prince *Alfred Ernest Albert* on his coming of Age - - - - - - - - - - - - - -	23 March.
IX.	AN ACT for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - - - - - - -	23 March.
X.	AN ACT for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - - - - - - - - - - -	23 March.
XI.	AN ACT for the Cancellation of certain Capital Stocks of Annuities standing in the Names of the Commissioners for the Reduction of the National Debt - - - - - - - - - - - - - -	23 March.
XII.	AN ACT to make Provision for the Government of *Jamaica* -	23 March.
XIII.	AN ACT to apply the Sum of Nineteen Millions out of the Consolidated Fund to the Service of the Year One thousand Eight hundred and Sixty-six - - - - - - - - - - - - - -	23 March.

Cap.		*Royal Assent.*
XIV.	AN ACT for the Abolition of the Offices of Treasurer and of High Bailiff of County Courts as Vacancies shall occur, and to provide for the Payment of future Registrars of County Courts - - - - - -	23 April.
XV.	AN ACT to amend the Act of the Eleventh and Twelfth Years of Her present Majesty, chapter One hundred and seven, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals - - - - - - - - - - - - -	23 April.
XVI.	AN ACT for facilitating the Public Exhibition of Works of Art in certain Exhibitions - - - - - - - - - - - - -	30 April.
XVII.	AN ACT to regulate the Inspection of Cattle-sheds, Cow-houses, and Byres within Burghs and Populous Places in *Scotland* - - - -	30 April.
XVIII.	AN ACT to make Provision for the Transfer of the Assets, Liabilities, and Management of the *Bengal*, *Madras*, and *Bombay* Military Funds, the *Bengal* Military Orphan Society, and other Funds, to the Secretary of State for *India* in Council - - - - - - - - -	30 April.
XIX.	AN ACT to amend the Law relating to Parliamentary Oaths -	30 April.
XX.	AN ACT to indemnify *William Forsyth*, Esquire, One of Her Majesty's Counsel, from any penal consequences which he may have incurred by sitting or voting as a Member of the House of Commons while holding the Office of Standing Counsel to the Secretary of State in Council of *India* - - - - - - - - - - - - - -	30 April.
XXI.	AN ACT to authorise the Commissioners of Her Majesty's Works and Public Buildings to acquire by Compulsory Purchase or otherwise certain Lands, Houses, and Premises in the Parish of *Saint Margaret, Westminster*; and for other Purposes - - - - - - - - -	18 May.
XXII.	AN ACT to render it unnecessary to make and subscribe certain Declarations as a Qualification for Offices and Employments; to indemnify such Persons as have omitted to qualify themselves for Office and Employment; and for other Purposes relating thereto - - - - - -	18 May.
XXIII.	AN ACT to alter certain Duties of Customs in the *Isle of Man*; and for other Purposes - - - - - - - - - - - - -	18 May.
XXIV.	AN ACT to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Winchester*, *Burton-upon-Trent*, *Longton*, *Accrington*, *Preston*, *Bangor*, *Elland*, *Halstead*, *Wadsworth*, *Canterbury*, *Dartmouth*, *Dukinfield*, *Stroud*, and *Bridlington* and for other Purposes relative to certain Districts under the said Act -	18 May.
XXV.	AN ACT to consolidate and amend the several Laws regulating the Preparation, Issue, and Payment of Exchequer Bills and Bonds - -	18 May.
XXVI.	AN ACT to secure the Repayment of Public Moneys advanced for the Drainage and Improvement of Lands and other like Objects in *Ireland* - - - - - - - - - - - - - -	18 May.
XXVII.	AN ACT to amend the Dockyard Extensions Act, 1865 - -	18 May.
XXVIII.	AN ACT to enable the Public Works Loan Commissioners to make Advances towards the Erection of Dwellings for the Labouring Classes - - - - - - - - - - - - - -	18 May.
XXIX.	AN ACT to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales* - - - - - - - - - - - - - -	18 May.
XXX.	AN ACT to amend the Harbours and Passing Tolls, &c. Act, 1861 - - - - - - - - - - - - - -	18 May.
XXXI.	AN ACT to provide for Superannuation Allowances to Officers of Vestries and other Boards within the Area of the Metropolis Local Management Act - - - - - - - - - - - -	18 May.
XXXII.	AN ACT further to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes - - - - - - -	11 June.
XXXIII.	AN ACT to confirm a Provisional Order under "The Land Drainage Act, 1861" - - - - - - - - - - - -	11 June.
XXXIV.	AN ACT to give further Facilities for the Establishment of Societies for the Assurance of Cattle and other Animals - - - -	11 June.

Cap.		Royal Assent.
XXXV.	AN ACT for the better Prevention of Contagious Diseases at certain Naval and Military Stations	11 June.
XXXVI.	AN ACT to grant, alter, and repeal certain Duties of Customs and Inland Revenue, and for other Purposes relating thereto	11 June.
XXXVII.	AN ACT to amend an Act of the Fifty-fourth year of King *George* the Third, chapter One hundred and twenty-three, to prevent Frauds and Abuses in the Trade of Hops	11 June.
XXXVIII.	AN ACT to enable Boards of Guardians in *Ireland* to provide Coffins and Shrouds for the Burial of Poor Persons who at the Time of their Death were not in receipt of Relief from the Poor Rates	11 June.
XXXIX.	AN ACT to consolidate the Duties of the Exchequer and Audit Departments, to regulate the Receipt, Custody, and Issue of Public Moneys, and to provide for the Audit of the Accounts thereof	28 June.
XL.	AN ACT to authorise a further Advance of Money for the Purposes of Improvement of Landed Property in *Ireland*	28 June.
XLI.	AN ACT to amend the Nuisances Removal and Diseases Prevention Act, 1860	28 June.
XLII.	AN ACT to amend the Law relating to Life Insurances in *Ireland*	28 June.
XLIII.	AN ACT for the Establishment and Regulation of Savings Banks for Seamen and Marines of the Royal Navy	28 June.
XLIV.	AN ACT to encourage the Establishment of Lodging-houses for the Labouring Classes in *Ireland*	28 June.
XLV.	AN ACT to extend the Provisions of the Acts for the Encouragement of the Sea Fisheries in *Ireland*, by promoting and aiding with Grants of Public Money the Construction of Piers, Harbours, and other Works	28 June.
XLVI.	AN ACT to authorise the Town Council of *Belfast* to levy and pay Charges in respect of extra Constabulary	28 June.
XLVII.	AN ACT to legalize the Payment and Distribution of *Indian* Prize Money by the Treasurer or Secretary of *Chelsea* Hospital, and to amend an Act for the consolidating and amending the Law relating to the Payment of Army Prize Money	28 June.
XLVIII.	AN ACT to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess *Mary Adelaide Wilhelmina Elizabeth* of *Cambridge*	28 June.
XLIX.	AN ACT to provide for the better Maintenance of Works executed under the Acts for the Drainage of Lands in *Ireland*	16 July.
L.	AN ACT to revive section Sixty-nine of "The Nuisances Removal (*Scotland*) Act, 1856," relating to Burials in Burghs	16 July.
LI.	AN ACT to amend the Acts relating to Lunacy in *Scotland*, and to make further Provision for the Care and Treatment of Lunatics	16 July.
LII.	AN ACT to extend the Law relating to the Expenses of Prosecutions, and to make Provision for Expenses on Charges of Felony and certain Misdemeanors before examining Magistrates	23 July.
LIII.	AN ACT to amend certain Provisions of the Sheriff Court Houses (*Scotland*) Act, 1860	30 July.
LIV.	AN ACT to amend the Law relating to the Qualifications of Revising Barristers	30 July.
LV.	AN ACT to enable the Postmaster General to sit in the House of Commons	30 July.
LVI.	AN ACT for confirming certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," relating to *Clynder*, *Hastings*, and *Newlyn*	30 July.
LVII.	AN ACT to make further Provision for the Enrolment of certain Deeds, Assurances, and other Instruments relating to Charitable Trusts	30 July.
LVIII.	AN ACT for confirming certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," relating to *Ardglass*, *Blackpool* (South), *Cowes* (West), *Dawlish*, *Hopeman*, *Hornsea*, *Llandudno*, *Penzance*, *Plymouth* (*Hoe*), *Redcar*, and *Scarborough*	6 August.

Cap.		Royal Assent.
LIX.	AN ACT to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes - - - -	6 August.
LX.	AN ACT to defray the Charge of the Pay, Clothing, and Contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances, in certain cases, to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorise the Employment of the Non-commissioned Officers - - - - - - - - - - - -	6 August.
LXI.	AN ACT to confirm a Provisional Order under the Drainage and Improvement of Lands Act (*Ireland*), and the Acts amending the same -	6 August.
LXII.	AN ACT to amend the Law relating to the Woods, Forests, and Land Revenues of the Crown - - - - - - - - - - -	6 August.
LXIII.	AN ACT to amend the Acts relating to the intended Courts of Justice - - - - - - - - - - - - - -	6 August.
LXIV.	AN ACT to amend the Laws relating to the Inland Revenue -	6 August.
LXV.	AN ACT to enable Her Majesty to declare Gold Coins to be issued from Her Majesty's Colonial Branch Mints a Legal Tender for Payments; and for other Purposes relating thereto - - - - - -	6 August.
LXVI.	AN ACT to provide for the Relief of the Poor in the *New Forest*	6 August.
LXVII.	AN ACT for the Union of the Colony of *Vancouver Island* with the Colony of *British Columbia* - - - - - - - - - -	6 August.
LXVIII.	AN ACT to amend the Law relating to the granting of Pensions and Superannuation Allowances to Persons holding certain Offices connected with the Administration of Justice in *England* - - - - - -	6 August.
LXIX.	AN ACT for the Amendment of the Law with respect to the Carriage and Deposit of Dangerous Goods - - - - - - -	6 August.
LXX.	AN ACT to extend the Provisions of the Acts for the Inclosure, Exchange, and Improvement of Land to certain Portions of the Forest of *Dean* called *Walmore Common* and The *Bearce Common*, and for authorising Allotments in lieu of the Forestal Rights of Her Majesty in and over such Commons - - - - - - - - - - - - - -	6 August.
LXXI.	AN ACT to facilitate the letting on Lease, feuing, or selling Glebe Lands in *Scotland* - - - - - - - - - - - - -	6 August.
LXXII.	AN ACT to authorise Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries, and for the Employment of the Poor; and for the Purposes of the Harbours and Passing Tolls Act, 1861, the Cattle Diseases Prevention Act, 1866, and the Labouring Classes Dwellings Act, 1866 - - - - - - - -	6 August.
LXXIII.	AN ACT to authorise, for a further Period, the Application of Money for the purposes of Loans for carrying on Public Works in *Ireland*	6 August.
LXXIV.	AN ACT to repeal Part of an Act, intituled, An Act for the Government of *New South Wales* and *Van Dieman's Land* - - - -	6 August.
LXXV.	AN ACT to amend and explain the Act of the Twenty-fifth and Twenty-sixth Years of *Victoria*, Chapter Fifty-eight, relating to Parochial Buildings in *Scotland* - - - - - - - - - - - -	6 August.
LXXVI.	AN ACT to provide for the Collection of Fees in Public Departments and Offices by means of Stamps - - - - - - - -	6 August.
LXXVII.	AN ACT to amend the Act of the Seventh and Eighth Years of *Victoria*, Chapter Forty-four, relating to the Erection of New Parishes *quoad sacra* in *Scotland* - - - - - - - - - - - -	6 August.
LXXVIII.	AN ACT for removing Doubts respecting the Assessment of County Rates - - - - - - - - - - - - - -	6 August.
LXXIX.	AN ACT to confirm a Provisional Order under "The Local Government Act, 1858," relating to the District of *Ventnor*, and for the Repeal of the *South Wales* Highway Act in *Briton Ferry* District - -	6 August.
LXXX.	AN ACT to confirm a Provisional Order under "The Land Drainage Act, 1861" - - - - - - - - - - - -	6 August.
LXXXI.	AN ACT to amend the Law respecting Leases by Ecclesiastical Corporations, as far as relates to the *Isle of Man* - - - - - -	6 August.

Cap.		Royal Assent.
LXXXII.	AN ACT to amend the Acts relating to the Standard Weights and Measures, and to the Standard Trial Pieces of the Coin of the Realm -	6 August.
LXXXIII.	AN ACT to provide for the Acquisition of a Site for the Enlargement of the National Gallery - - - - - - - - -	6 August.
LXXXIV.	AN ACT to amend the Laws for the Regulation of the Profession of Attorneys and Solicitors in *Ireland*, and to assimilate them to those in *England* - - - - - - - - - - - - -	6 August.
LXXXV.	AN ACT to facilitate the Establishment, Improvement, and Maintenance of Oyster and Mussel Fisheries in *Great Britain* - - -	6 August.
LXXXVI.	AN ACT for vesting the Glebe Lands of the Vicarage of *Rochdale*, in the County of *Lancaster*, in the Ecclesiastical Commissioners for *England*, and for making Provision for the Endowment of the said Vicarage in lieu thereof; and for the Promotion of other Ecclesiastical Purposes connected therewith - - - - - - - - -	6 August.
LXXXVII.	AN ACT to amend the Foreign Jurisdiction Act - -	6 August.
LXXXVIII.	AN ACT to validate certain Licenses granted in *Ireland* for the Establishment of Oyster Beds - - - - - - - -	6 August.
LXXXIX.	AN ACT for vesting in the Conservators of the River *Thames* the Conservancy of the *Thames* and *Isis* from *Staines*, in the County of *Middlesex*, to *Cricklade*, in the County of *Wilts*; and for other Purposes connected therewith - - - - - - - - - - - -	6 August.
XC.	AN ACT to amend the Law relating to the Public Health - -	7 August.
XCI.	AN ACT to apply a Sum out of the Consolidated Fund, and the Surplus of Ways and Means, to the Service of the Year ending Thirty-first March One thousand Eight hundred and Sixty-seven, and to appropriate the Supplies granted in this Session of Parliament - - - - -	10 August.
XCII.	AN ACT to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts - - - - - - - -	10 August.
XCIII.	AN ACT to confirm a Provisional Order under "The General Police and Improvement (*Scotland*) Act, 1862," relating to the Burgh of *Aberdeen* - - - - - - - - - - - - - -	10 August.
XCIV.	AN ACT to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales* - -	10 August.
XCV.	AN ACT to enable the Public Works Loan Commissioners to make temporary Advances to Railway Companies in *Ireland* - - -	10 August.
XCVI.	AN ACT to amend the Bills of Sale Act, 1854 - - -	10 August.
XCVII.	AN ACT further to promote the Cultivation of Oysters in *Ireland*, and to amend the Acts for that Purpose - - - - - - -	10 August.
XCVIII.	AN ACT to extend the Duration of the Dockyard Extensions Act, 1865 - - - - - - - - - - - - - -	10 August.
XCIX.	AN ACT to reduce the Number of Judges in the Landed Estates Court in *Ireland*, and to reduce the Duties payable under the Record of Title and Land Debentures Acts - - - - - - - - -	10 August.
C.	AN ACT for the Amendment of the Laws relating to Prisons -	10 August.
CI.	AN ACT to make further Provision respecting the Fees payable in the Superior Courts of Law at *Westminster*, and in the Offices belonging thereto, and respecting the Salaries of certain Officers of those Courts -	10 August.
CII.	AN ACT to continue various expiring Acts - - - - -	10 August.
CIII.	AN ACT to amend an Act to consolidate the Laws relating to the Constabulary Force in *Ireland* - - - - - - - - -	10 August.
CIV.	AN ACT to guarantee the Liquidation of Bonds issued for the Repayment of Advances made out of Public Funds for the Service of the Colony of *New Zealand* - - - - - - - - - -	10 August.
CV.	AN ACT to continue certain Turnpike Acts in *Great Britain*, and to make further Provision concerning Turnpike Roads - - -	10 August.

Cap.		Royal Assent.
CVI.	AN ACT to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *West Hartlepool, Tormoham, Harrogate, St. Leonard, Wednesfield, Aberdare, Bristol, Derby, Shrewsbury, Netherthony, Hove, New Windsor, Hanley, Burnley,* and *Accrington;* and for other Purposes relative to certain Districts under the said Act	10 August.
CVII.	AN ACT to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Ramsgate, Leominster, Stalybridge, Lincoln, Maidstone, Banbury, Tunbridge Wells, Bedford,* and *Southampton;* and for other Purposes relative to Districts under the said Act - - - - - - - - - - - -	10 August.
CVIII.	AN ACT to amend the Law relating to Securities issued by Railway Companies - - - - - - - - - - - - -	10 August.
CIX.	AN ACT to make Provision for the Discipline of the Navy -	10 August.
CX.	AN ACT to amend the Cattle Diseases Prevention Act - - -	10 August.
CXI.	AN ACT to further amend the Acts relating to the Ecclesiastical Commissioners for *England* - - - - - - - - - - -	10 August.
CXII.	AN ACT to make Provision in regard to the Mode of taking Evidence in Civil Causes in the Court of Session in *Scotland* - - -	10 August.
CXIII.	AN ACT to amend the Act providing Superannuation Allowances to Officers of Unions and Parishes, and to make other Amendments in the Laws relating to the Relief of the Poor - - - - - - - -	10 August.
CXIV.	AN ACT to amend the Public Libraries Act - - - - -	10 August.
CXV.	AN ACT to provide for the Government of the "Straits Settlements"	10 August.
CXVI.	AN ACT to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively - - - - -	10 August.
CXVII.	AN ACT to consolidate and amend the Acts relating to Reformatory Schools in *Great Britain* - - - - - - - - - -	10 August.
CXVIII.	AN ACT to consolidate and amend the Acts relating to Industrial Schools in *Great Britain* - - - - - - - - - -	10 August.
CXIX.	AN ACT to continue the Act of the Twenty-ninth Year of the Reign of Her present Majesty, Chapter One, intituled, *An Act to empower the Lord Lieutenant or other Chief Governor or Governors of* Ireland *to apprehend and detain for a limited Time such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government* - -	10 August.
CXX.	AN ACT to make Provision for the Administration of the Patriotic Fund - - - - - - - - - - - - - - - -	10 August.
CXXI.	AN ACT for the Amendment of the Law relating to Treaties of Extradition - - - - - - - - - - - - - - -	10 August.
CXXII.	AN ACT to make Provision for the Improvement, Protection, and Management of Commons near the Metropolis - - - - - -	10 August.

INDEX

TO THE

PUBLIC GENERAL ACTS, 29° & 30° VICT., 1866:

SHOWING

Whether they relate to the WHOLE or to any PART of the UNITED KINGDOM;

VIZ.

(E.) *signifies that the* ACT *relates to*	ENGLAND (and WALES, if the subject extends so far).
(S.) - - -	SCOTLAND.
(I.) - - -	IRELAND.
(E. & I.) - -	ENGLAND AND IRELAND.
(G. B.) - -	GREAT BRITAIN.
(G. B. & I.) -	GREAT BRITAIN AND IRELAND.
(U. K.) - -	THE WHOLE OF THE UNITED KINGDOM.

A.

		Cap.
ABERDEEN; to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862" (25 & 26 Vict. c. 101), relating to the Burgh of Aberdeen - - - - -	(S.)	93.
——— *See* also Local Government.		
Accounts, Public. *See* Public Accounts.		
Accrington. *See* Local Government.		
Administration of Justice. *See* Bills of Sale. Common Law Courts. County Courts. Court of Session. Courts of Justice. Divorce Court. Evidence. Expenses of Prosecutions. Extradition Treaties. Foreign Jurisdiction. Habeas Corpus Suspension. Industrial Schools. Oaths. Reformatory Schools.		
Advances to Railway Companies; to enable the Public Works Loan Commissioners to make Temporary Advances to Railway Companies in Ireland - - - - - - - - - - - -	(I.)	95.
Alfred, Prince. *See* Prince Alfred's Annuity.		
Allotments. *See* Dean Forest, &c.		
Animals, Diseases in. *See* Cattle Diseases.		
Annuities. *See* National Debt Reduction.		
Annuity. *See* Prince Alfred's Annuity. Princess Mary of Cambridge's Annuity. Princess Helena's Annuity.		
Application of Aids. *See* Consolidated Fund.		
Appropriation of Supplies; to apply a Sum out of the Consolidated Fund, and the Surplus of Ways and Means, to the Service of the Year ending 31st March 1867, and to appropriate the Supplies granted in this Session of Parliament - - - - - - - -	(U. K.)	91.
Ardglass. *See* Piers and Harbours.		
Army Prize Money; to legalise the Payment and Distribution of Indian Prize Money by the Treasurer or Secretary of Chelsea Hospital, and to amend the Act 2 & 3 Will. 4, c. 53, for the consolidating and amending the Law relating to the Payment of Army Prize Money -	(U. K.)	47.

		Cap.
Art; for facilitating the Public Exhibition of Works of Art in certain Exhibitions	(G. B. & I.)	16.
Assessments, County; for removing Doubts respecting the Assessment of County Rates	(E.)	78.
Assurance of Cattle; to give further Facilities for the Establishment of Societies for the Assurance of Cattle and other Animals	(G. B. & I.)	34.
Attorneys and Solicitors; to amend the Laws for the Regulation of the Profession of Attorneys and Solicitors in Ireland, and to assimilate them to those in England	(I.)	84.
Audit of Public Accounts; to consolidate the Duties of the Exchequer and Audit Departments, to regulate the Receipt, Custody, and Issue of Public Moneys, and to provide for the Audit of the Accounts thereof	(U. K.)	39.

B.

Bailiffs of County Courts. *See* County Courts.

Banbury. *See* Local Government.

Bangor. *See* Local Government.

Banks. *See* Savings Banks.

Barristers. *See* Revising Barristers.

Bearce (The) Common. *See* Dean Forest.

Bedford. *See* Local Government.

Belfast Constabulary; to authorise the Town Council of Belfast to levy and pay Charges in respect of extra Constabulary	(I.)	46.
Bengal Military Fund. *See* East India, &c.		
Bills of Sale; to amend the Bills of Sale Act, 1854 (17 & 18 Vict. c. 36)	(E.)	96.
Blackpool. *See* Piers and Harbours.		
Bombay Military Fund. *See* East India, &c.		
Bonds. *See* Exchequer Bills and Bonds.		
Branch Mints. *See* Colonial Branch Mints.		
Bridlington. *See* Local Government.		
Bristol. *See* Local Government.		
British Columbia; for the Union of the Colony of Vancouver Island with the Colony of British Columbia	(U. K.)	67.
Briton Ferry. *See* Local Government.		
Buildings, Parochial. *See* Parochial Buildings.		
Burial of Poor Persons. *See* Poor Persons' Burial.		
Burials in Burghs; to revive Section Sixty-nine of "The Nuisances Removal (Scotland) Act, 1856" (19 & 20 Vict. c. 103), relating to Burials in Burghs	(S.)	50.
Burnley. *See* Local Government.		
Burton-upon-Trent. *See* Local Government.		
Byres. *See* Cattle Sheds in Burghs.		

C.

Cambridge, Princess Mary of. *See* Princess Mary of Cambridge's Annuity.

Canterbury. *See* Local Government.

Care and Treatment of Lunatics, &c.; to amend the Acts relating to Lunacy in Scotland, and to make further Provision for the Care and Treatment of Lunatics	(S.)	51.

		Cap.
Carriage, &c., of Dangerous Goods; for the Amendment of the Law with respect to the Carriage and Deposit of Dangerous Goods -	(G. B. & I.)	69.
Cattle Assurance; to give further Facilities for the Establishment of Societies for the Assurance of Cattle and other Animals - -	(G. B. & I.)	34.
Cattle Diseases; to amend the Law relating to Contagious or Infectious Diseases in Cattle and other Animals - - - - - - -	(G. B.)	2.
——————— to amend the preceding Act - - - - - -	(G. B.)	110.
——————— to amend the Act 11 & 12 Vict. c. 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals - - - - - - - - -	(E.)	15.
——————— to amend the Law relating to Contagious Diseases amongst Cattle and other Animals in Ireland - - - -	(I.)	4.
——————— *See* also Public Works.		
Cattle Sheds in Burghs; to regulate the Inspection of Cattle Sheds, Cowhouses, and Byres within Burghs and Populous Places in Scotland - - - - - - - - - - - - - -	(S.)	17.
Charitable Trusts; to make further Provision for the Enrolment of certain Deeds, Assurances, and other Instruments relating to Charitable Trusts - - - - - - - - - - - -	(E.)	57.
Chelsea Hospital. *See* Indian Prize Money.		
Clynder. *See* Piers and Harbours.		
Coinage. *See* Colonial Branch Mints. Weights, Measures, and Coinage.		
Colonial Branch Mints; to enable Her Majesty to declare Gold Coins to be issued from Her Majesty's Colonial Branch Mints a Legal Tender for Payments; and for other Purposes relating thereto -	(U. K.)	65.
Commissioners of Land Tax; to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes - - - - - - - - - - - - -	(G. B.)	59.
Common Law Courts (Fees and Salaries); to make further Provision respecting the Fees payable in the Superior Courts of Law at Westminster, and in the Offices belonging thereto, and respecting the Salaries of certain Officers of those Courts - - - - - -	(E.)	101.
Commons Inclosure; to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales - - - - - - - - - - - -	(E.)	29. 94.
——————— ——————— *See* also Forest of Dean, &c.		
Commons, Metropolitan; to make Provision for the Improvement, Protection, and Management of Commons near the Metropolis -	(E.)	122.
Conservancy of the Thames; vesting in the Conservators of the River Thames the Conservancy of the Thames and Isis from Staines (Middlesex) to Cricklade (Wilts); and for other Purposes connected therewith - - - - - - - - - - - - -	(E.)	89.
Consolidated Fund; to apply the Sum of 1,137,772 *l.* out of the Consolidated Fund to the Service of the Year ending the 31st March 1866 - - - - - - - - - - - - -	(U. K.)	6.
——————— ——————— to apply the Sum of 19,000,000 *l.* out of the Consolidated Fund to the Service of the Year 1866 - - - -	(U. K.)	13.
——————— ——————— to apply a Sum out of the Consolidated Fund, and the Surplus of Ways and Means, to the Service of the Year ending 31st March 1867, and to appropriate the Supplies granted in this Session of Parliament - - - - - - - - - -	(U. K.)	91.
Constabulary Force; to amend the Act 10 & 11 Vict. c. 100, to consolidate the Laws relating to the Constabulary Force in Ireland [Salaries and Superannuations, &c.] - - - - - - -	(I.)	103.
Constabulary (Belfast); to authorise the Town Council of Belfast to levy and pay Charges in respect of Extra Constabulary - -	(I.)	46.
Contagious Diseases; for the better Prevention of Contagious Diseases [Venereal Diseases] at certain Naval and Military Stations - -	(E. & I.)	35.

		Cap.
Contagious Diseases (Cattle, &c.); to amend the Law relating to Contagious or Infectious Diseases in Cattle and other Animals	(G. B.)	2.
——— to amend the preceding Act	(G. B.)	110.
——— to amend the Act 11 & 12 Vict. c. 107, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals	(E.)	15.
——— to amend the Law relating to Contagious Diseases amongst Cattle and other Animals in Ireland	(I.)	4.
——— *See* also Public Works.		
County Courts; for the Abolition of the Offices of Treasurer and of High Bailiff of County Courts as Vacancies shall occur, and to provide for the Payment of future Registrars of County Courts	(E.)	14.
County Rates; for removing Doubts respecting the Assessment of County Rates	(E.)	78.
Court Houses; to amend certain Provisions of the Sheriff Court Houses (Scotland) Act, 1860 (23 & 24 Vict. c. 79)	(S.)	53.
Court of Session; to make Provision in regard to the mode of taking Evidence in Civil Causes in the Court of Session in Scotland	(S.)	112.
Courts of Justice; to amend the Acts relating to the intended Courts of Justice	(E.)	63.
——— *See* also Common Law Courts.		
Cowes. *See* Piers and Harbours.		
Cowhouses. *See* Cattle-sheds in Burghs.		
Cricklade. *See* Thames Navigation.		
Crown Lands; to amend the Law relating to the Woods, Forests, and Land Revenues of the Crown	(E.)	62.
Cultivation of Oysters. *See* Oysters.		
Customs; to grant, alter, and repeal certain Duties of Customs and Inland Revenue, and for other Purposes relating thereto [Customs, Excise, Income Tax]	(U. K.)	36.
——— to alter certain Duties of Customs in the Isle of Man, and for other Purposes	(U. K.)	23.

D.

Dangerous Goods; for the Amendment of the Law with respect to the Carriage and Deposit of dangerous Goods	(G. B. & I.)	69.
Dartmouth. *See* Local Government.		
Dawlish. *See* Piers and Harbours.		
Dean Forest, &c.; to extend the Provisions of the Acts for the Inclosure, Exchange, and Improvement of Land to certain Portions of the Forest of Dean called Walmore Common and the Bearce Common, and for authorising Allotments in lieu of the Forestal Rights of Her Majesty in and over such Commons	(E.)	70.
Deeds, Enrolment of. *See* Charitable Trusts.		
Derby. *See* Local Government.		
Desertion. *See* Mutiny.		
Discipline of the Navy; to make Provision for the Discipline of the Navy	(U. K.)	109.
Diseases in Cattle, &c.; to amend the Law relating to Contagious or Infectious Diseases in Cattle and other Animals	(G. B.)	2.
——— to amend the preceding Act	(G. B.)	110.
——— *See* also Cattle Diseases.		
Diseases, Prevention; to amend "Nuisances Removal and Diseases Prevention Act, 1860," (23 & 24 Vict. c. 77)	(E.)	41.

		Cap.
Disembodied Militia. *See* Militia.		
Divorce Court; further to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes	(E.)	32.
Dockyard Extensions; to amend "The Dockyard Extensions Act, 1865," (28 & 29 Vict. c. 51)	(E.)	27.
——— to extend the Duration of "The Dockyard Extensions Act, 1865," (28 & 29 Vict. c. 51)	(E.)	98.
Drainage and Improvement of Lands; to secure the Repayment of Public Moneys advanced for the Drainage and Improvement of Lands and other like Objects in Ireland	(I.)	26.
——— to confirm a Provisional Order under "The Drainage and Improvement of Lands Act (Ireland)," (26 & 27 Vict. c. 88), and the Acts amending the same	(I.)	61.
Drainage of Lands; to confirm a Provisional Order under "The Land Drainage Act, 1861," (24 & 25 Vict. c. 133)	(E.)	33. 80.
——— to provide for the better Maintenance of Works executed under the Acts for the Drainage of Lands in Ireland	(I.)	49.
Dukinfield. *See* Local Government.		
Dwellings for the Labouring Classes; to enable the Public Works Loan Commissioners to make Advances towards the Erection of Dwellings for the Labouring Classes in populous Places	(G. B.)	28.
——— *See* also Public Works.		
——— to encourage the Establishment of Lodging Houses for the Labouring Classes in Ireland	(I.)	44.

E.

East India Military, &c. Funds Transfer; to make Provision for the Transfer of the Assets, Liabilities, and Management of the Bengal, Madras, and Bombay Military Funds, the Bengal Military Orphan Society, and other Funds, to the Secretary of State for India in Council	(U. K.)	18.
Ecclesiastical Commission; to further amend the Acts relating to the Ecclesiastical Commissioners for England	(E.)	111.
——— *See* also Rochdale Vicarage.		
Ecclesiastical Leases (Isle of Man); to amend the Law respecting Leases by Ecclesiastical Corporations, as far as relates to the Isle of Man	(E.)	81.
Elland. *See* Local Government.		
Enlargement of the National Gallery; to provide for the Acquisition of a Site for the Enlargement of the National Gallery	(E.)	83.
Enrolment of Deeds; to make further Provision for the Enrolment of certain Deeds, Assurances, and other Instruments relating to Charitable Trusts	(E.)	57.
Evidence; to make Provision in regard to the mode of taking Evidence in Civil Causes in the Court of Session in Scotland	(S.)	112.
Exchequer and Audit Departments; to consolidate the Duties of the Exchequer and Audit Departments, to regulate the Receipt, Custody, and Issue of Public Moneys, and to provide for the Audit of the Accounts thereof	(U. K.)	39.
Exchequer Bills and Bonds; to consolidate and amend the several Laws regulating the Preparation, Issue, and Payment of Exchequer Bills and Bonds	(U. K.)	25.
Excise. *See* Inland Revenue.		
Exhibitions, Public; for facilitating the Public Exhibition of Works of Art in certain Exhibitions	(G. B. & I.)	16.

		Cap.
Expenses of Prosecutions; to extend the Law relating to the Expenses of Prosecutions, and to make Provision for Expenses on Charges of Felony and certain Misdemeanors before examining Magistrates -	(E.)	52.
Expiring Laws Continuance; to continue various Expiring Acts -	(U. K.)	102.
Extradition Treaties; for the Amendment of the Law relating to Treaties of Extradition - - - - - - - - - -	(U. K.)	121.

F.

Fees and Salaries (Common Law Courts), to make further Provision respecting the Fees payable in the Superior Courts of Law at Westminster, and in the Offices belonging thereto, and respecting the Salaries of certain Officers of those Courts - - - - - -	(E.)	101.
Fees (Public Departments); to provide for the Collection of Fees in Public Departments and Offices by means of Stamps - - -	(G. B. & I.)	76.
Felony. *See* Expenses of Prosecutions.		
Fisheries. *See* Oyster and Mussel Fisheries. Oysters.		
Fishery Piers and Harbours; to extend the Provisions of the Acts for the Encouragement of the Sea Fisheries in Ireland, by promoting and aiding with Grants of Public Money, the Construction of Piers, Harbours, and other Works - - - - - - - - -	(I.)	45.
Foreign Jurisdiction; to amend the Foreign Jurisdiction Act (6 & 7 Vict. c. 94) - - - - - - - - - - - - - - -	(U. K.)	87.
Forest of Dean, &c.; to extend the Provisions of the Acts for the Inclosure, Exchange, and Improvement of Land to certain Portions of the Forest of Dean called Walmore Common and the Bearce Common, and for authorising Allotments in lieu of the Forestal Rights of Her Majesty in and over such Commons - - -	(E.)	70.
Forsyth's Indemnity; to indemnify William Forsyth, Esquire, One of Her Majesty's Counsel, from any penal consequences which he may have incurred by sitting or voting as a Member of the House of Commons while holding the Office of Standing Counsel to the Secretary of State in Council of India - - - - - - -	(G. B. & I.)	20.

G.

General Police and Improvement; to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," (25 & 26 Vict. c. 101), relating to the Burgh of Aberdeen -	(S.)	93.
Glebe Lands; to facilitate the letting on Lease, feuing, or selling Glebe Lands in Scotland - - - - - - - - - -	(S.)	71.
Gold Coin; to enable Her Majesty to declare Gold Coins to be issued from Her Majesty's Colonial Branch Mints a legal Tender for Payments; and for other Purposes relating thereto - - - -	(U. K.)	65.
Government of Jamaica; to make Provision for the Government of Jamaica - - - - - - - - - - - -	(U. K.)	12.

H.

Habeas Corpus Suspension; to empower the Lord Lieutenant or other Chief Governor or Governors of Ireland to apprehend, and detain for a limited Time, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government - - -	(I.)	1.
——————— to continue the preceding Act - - - -	(I.)	119.
Halstead. *See* Local Government.		
Hanley. *See* Local Government.		

		Cap.
Harbours; to amend the Harbours and Passing Tolls, &c. Act, 1861 (24 & 25 Vict. c. 47)	(G. B.)	30.
——— to authorise Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and for the Employment of the Poor; and for the purposes of "The Harbours and Passing Tolls Acts, 1861," "The Cattle Diseases Prevention Act, 1866," and "The Labouring Classes Dwellings Act, 1866"	(G. B. & I.)	72.
——— *See* also Fishery Piers and Harbours.		
Harrogate. *See* Local Government.		
Hastings. *See* Piers and Harbours.		
Health, Public. *See* Public Health.		
Helena, Princess. *See* Princess Helena's Annuity.		
High Bailiffs of County Courts; for the Abolition of the Offices of Treasurer and of High Bailiff of County Courts as Vacancies shall occur, and to provide for the Payment of future Registrars of County Courts	(E.)	14.
Hop Trade; to amend the Act 54 Geo. 3, c. 123, to prevent Frauds and Abuses in the Trade of Hops	(G. B.)	37.
Hopeman. *See* Piers and Harbours.		
Hornsea. *See* Piers and Harbours.		
House of Commons. *See* Postmaster General.		
Hove. *See* Local Government.		

I.

		Cap.
Improvement of Landed Property; to authorise a further Advance of Money for the Purposes of Improvement of Landed Property in Ireland	(I.)	40.
Improvement of Lands. *See* Drainage and Improvement of Lands.		
Inclosure of Lands; to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales	(E.)	29. 94.
——— *See* also Forest of Dean, &c.		
Income Tax. *See* Inland Revenue.		
Indemnity; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively	(G. B. & I.)	116.
——— to render it unnecessary to make and subscribe certain Declarations as a qualification for Offices and Employments; to indemnify such Persons as have omitted to qualify themselves for Office and Employment; and for other Purposes relating thereto	(U. K.)	22.
——— *See* also Forsyth's Indemnity.		
Indian Prize Money; to legalise the Payment and Distribution of Indian Prize Money by the Treasurer or Secretary of Chelsea Hospital, and to amend the Act 2 & 3 Will. 4, c. 53, for the consolidating and amending the Law relating to the Payment of Army Prize Money	(U. K.)	47.
Industrial Schools; to consolidate and amend the Acts relating to Industrial Schools in Great Britain	(G. B.)	118.
Infectious Diseases. *See* Cattle Diseases.		
Inland Revenue; to amend the Laws relating to the Inland Revenue	(G. B. & I.)	64.
——— to grant, alter, and repeal certain duties of Customs and Inland Revenue, and for other Purposes relating thereto [Customs; Excise; Income Tax]	(U. K.)	36.
Insurance, Life; to amend the Law relating to Life Insurances in Ireland	(I.)	42.
Investments on Account of Savings Banks. *See* Savings Banks.		

		Cap.
Ireland, Acts relating specially to. *See* Advances to Railway Companies. Attorneys and Solicitors. Belfast Constabulary. Cattle Diseases. Contagious Diseases. Drainage of Lands. Dwellings for the Labouring Classes. Fisheries. Piers and Harbours. Habeas Corpus Suspension. Landed Estates Court. Landed Property Improvement. Lands, Drainage and Improvement of. Life Insurances. Oyster Fishery. Piers and Harbours. Poor Persons, Burial. Public Works. Railways. Record of Title, &c.		
Isis, River. *See* Thames Navigation.		
Isle of Man; to alter certain Duties of Customs in the Isle of Man; and for other Purposes	(U. K.)	23.
—— to amend the Law respecting Leases by Ecclesiastical Corporations, as far as relates to the Isle of Man	(E.)	81.

J.

Jamaica Government; to make Provision for the Government of Jamaica	(U. K.)	12.
Jurisdiction, Foreign; to amend the Foreign Jurisdiction Act (6 & 7 Vict. c. 94)	(U. K.)	87.
Justice, Administration of. *See* Bills of Sale. Common Law Courts. County Courts. Court of Session. Courts of Justice. Divorce Court. Evidence. Expenses of Prosecutions. Extradition Treaties. Foreign Jurisdiction. Habeas Corpus Suspension. Industrial Schools. Oaths. Reformatory Schools.		
Justice, Courts of; to amend the Acts relating to the intended Courts of Justice	(E.)	63.

L.

Labouring Classes' Dwellings; to enable the Public Works Loan Commissioners to make Advances towards the Erection of Dwellings for the Labouring Classes	(G. B.)	28.
—— *See also* Public Works.		
—— to encourage the Establishment of Lodging Houses for the Labouring Classes in Ireland	(I.)	44.
Land Debentures. *See* Record of Title, &c.		
Land Drainage; to confirm a Provisional Order under "The Land Drainage Act, 1861" (24 & 25 Vict. c. 133)	(E.)	33. 80.
—— to provide for the better Maintenance of Works executed under the Acts for the Drainage of Lands in Ireland	(I.)	49.
—— *See also* Drainage and Improvement of Lands.		
Land Revenues, &c.; to amend the Law relating to the Woods, Forests, and Land Revenues of the Crown	(E.)	62.
Land Tax; to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes	(G. B.)	59.
Landed Estates Court; to reduce the Number of Judges in the Landed Estates Court in Ireland, and to reduce the Duties payable under the Record of Title and Land Debentures Acts	(I.)	99.
Landed Property Improvement; to authorise a further Advance of Money for the Purposes of Improvement of Landed Property in Ireland	(I.)	40.
Lands, Drainage of: to confirm a Provisional Order under "The Land Drainage Act, 1861" (24 & 25 Vict. c. 133)	(E.)	33. 80.
—— —— to provide for the better Maintenance of Works executed under the Acts for the Drainage of Lands in Ireland	(I.)	49.
Lands, Drainage and Improvement of; to secure the Repayment of Public Moneys advanced for the Drainage and Improvement of Lands and other like Objects in Ireland	(I.)	26.

		Cap.
Lands. Drainage and Improvement of; to confirm a Provisional Order under "The Drainage and Improvement of Lands Act (Ireland)" (26 & 27 Vict. c. 88), and the Acts amending the same - - -	(I.)	61.
Lands, Glebe; to enable Ministers of Parishes in Scotland to let on Lease, Feu, or sell their Glebe Lands - - - - - - -	(S.)	71.
Lands, Inclosure of. *See* Inclosure of Lands.		
Leases. *See* Ecclesiastical Leases.		
Leominster. *See* Local Government.		
Libraries, Public; to amend the Public Libraries Act (18 & 19 Vict. c. 95) - - - - - - - - - - - - - -	(E & S.)	114.
Life Insurances; to amend the Law relating to Life Insurances in Ireland - - - - - - - - - - - - - -	(I.)	42.
Lincoln. *See* Local Government.		
Llandudno. *See* Piers and Harbours.		
Loans. *See* Harbours. Public Works.		
Local Government; to confirm certain Provisional Orders under "The Local Government Act, 1858" (21 & 22 Vict. c. 98), relating to the Districts of Winchester, Burton-upon-Trent, Longton, Accrington, Preston, Bangor, Elland, Halstead, Wadsworth, Canterbury, Dartmouth, Dukinfield, Stroud, and Bridlington, and for other Purposes relative to certain Districts under the said Act - - - -	(E.)	24.
——— to confirm a Provisional Order under "The Local Government Act, 1858" (21 & 22 Vict. c. 98), relating to the District of Ventnor, and for the Repeal of the South Wales Highway Act in Briton Ferry District - - - - - - - - - -	(E.)	79.
——— to confirm certain Provisional Orders under "The Local Government Act, 1858" (21 & 22 Vict. c. 98), relating to the Districts of West Hartlepool, Tormoham, Harrogate, St. Leonard, Wednesfield, Aberdare, Bristol, Derby, Shrewsbury, Netherthong, Hove, New Windsor, Hanley, Burnley, and Accrington; and for other Purposes relative to certain Districts under the said Act -	(E.)	106.
——— to confirm certain Provisional Orders under "The Local Government Act, 1858" (21 & 22 Vict. c. 98), relating to the Districts of Ramsgate, Leominster, Stalybridge, Lincoln, Maidstone, Banbury, Tunbridge Wells, Bedford, and Southampton; and for other Purposes relative to Districts under the said Act - - - -	(E.)	107.
Lodging Houses. *See* Labouring Classes' Dwellings.		
Longton. *See* Local Government.		
Lunacy; to amend the Acts relating to Lunacy in Scotland, and to make further Provision for the Care and Treatment of Lunatics -	(S.)	51.

M.

Madras Military Fund. *See* East India, &c.		
Maidstone. *See* Local Government.		
Man, Isle of. *See* Isle of Man.		
Marines; for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - - - - - - - -	(U. K.)	10.
——— *See also* Naval Savings Banks.		
Matrimonial Causes; further to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes - - - -	(E.)	32.
Measures. *See* Weights, Measures, and Coinage.		
Metropolitan Commons; to make Provision for the Improvement, Protection, and Management of Commons near the Metropolis -	(E.)	122.

		Cap.
Metropolitan Vestries; to provide for Superannuation Allowances to Officers of Vestries and District Boards within the Area of the Metropolis Local Management Act - - - - - - -	(E.)	31.
Military Funds (East India); to make provision for the Transfer of the Assets, Liabilities, and Management of the Bengal, Madras, and Bombay Military Funds, the Bengal Military Orphan Society, and other Funds, to the Secretary of State for India in Council - -	(U. K.)	18.
Military Stations. *See* Naval and Military Stations.		
Militia; to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons' Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers - - - - -	(G. B. & I.)	60.
Mints, Colonial. *See* Colonial Branch Mints.		
Misdemeanors. *See* Expenses of Prosecutions.		
Mussel Fisheries; to facilitate the Establishment, Improvement, and Maintenance of Oyster and Mussel Fisheries in Great Britain - -	(G. B.)	85.
Mutiny; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - - - - - -	(U. K.)	9.
——— for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - - - - - - - -	(U. K.)	10.

N.

		Cap.
National Debt Reduction; for the Cancellation of certain Capital Stocks of Annuities standing in the Names of the Commissioners for the Reduction of the National Debt - - - - - - - - -	(U. K.)	11.
National Gallery; to provide for the Acquisition of a Site for the Enlargement of the National Gallery - - - - - - -	(E.)	83.
Naval and Military Stations; for the better Prevention of Contagious Diseases [Venereal Diseases] at certain Naval and Military Stations	(E. & I.)	35.
Naval Discipline; to make Provision for the Discipline of the Navy -	(U. K.)	109.
Naval Savings Banks; for the Establishment and Regulation of Savings Banks for Seamen and Marines of the Royal Navy - - - -	(G. B. & I.)	43.
Netherthong. *See* Local Government.		
New Courts of Justice. *See* Courts of Justice.		
New Forest; to provide for the Relief of the Poor in the New Forest -	(E.)	66.
New Parishes; to amend the Acts 7 & 8 Vict. c. 44, relating to the Erection of New Parishes *quoad sacra* in Scotland - - - - -	(S.)	77.
New South Wales, &c.; to repeal part of the Act 5 & 6 Vict. c. 76, for the Government of New South Wales and Van Diemen's Land -	(U. K.)	74.
New Windsor. *See* Local Government.		
New Zealand; to guarantee the Liquidation of Bonds issued for the Repayment of Advances made out of Public Funds for the Service of the Colony of New Zealand - - - - - - - - -	(U. K.)	104.
Newlyn. *See* Piers and Harbours.		
Nuisances Removal; to amend "The Nuisances Removal and Diseases Prevention Act, 1860" (23 & 24 Vict. c. 67) - - - - - -	(E.)	41.
——— to revive Section Sixty-nine of "The Nuisances Removal (Scotland) Act, 1856" (19 & 20 Vict. c. 103), relating to Burials in Burghs - - - - - - - - - - -	(S.)	50.

Cap.

O.

Oaths, Parliamentary; to amend the Law relating to Parliamentary Oaths - - - - - - - - - - - - - (G. B. & I.) 19.

Offices, Public; to authorise the Commissioners of Her Majesty's Works and Public Buildings to acquire by compulsory Purchase, or otherwise, certain Lands, Houses, and Premises in the Parish of St. Margaret, Westminster; and for other Purposes - - - (E.) 21.

Offices, Qualifications for. *See* Indemnity.

Oyster Fishery; to promote the Cultivation of Oysters in Ireland, and to amend the Acts for that Purpose - - - - - - - - (I.) 97.

———— to validate certain Licenses granted in Ireland for the Establishment of Oyster Beds - - - - - - - - - (I.) 88.

Oyster and Mussel Fisheries; to facilitate the Establishment, Improvement, and Maintenance of Oyster and Mussel Fisheries in Great Britain - - - - - - - - - - - - - (G. B.) 85.

P.

Parishes; to amend the Act 7 & 8 Vict. c. 44, relating to the Erection of New Parishes *quoad sacra* in Scotland - - - - - - (S.) 77.

Parliamentary Oaths Amendment; to amend the Law relating to Parliamentary Oaths - - - - - - - - - - - (G. B. & I.) 19.

Parochial Buildings; to amend and explain the Act 25 & 26 Vict. c. 58, relating to Parochial Buildings in Scotland - - - - - (S.) 75.

Passing Tolls; to amend "The Harbours and Passing Tolls, &c. Act, 1861" (24 & 25 Vict. c. 47) - - - - - - - - - (G. B.) 30.

Patriotic Fund; to make Provision for the Administration of the Patriotic Fund - - - - - - - - - - - - - (G. B. & I.) 120.

Pay, Militia. *See* Militia Pay.

Pensions; to amend the Law relating to the granting of Pensions and Superannuation Allowances to Persons holding certain Offices connected with the Administration of Justice in England - - - (E.) 68.

Penzance. *See* Piers and Harbours.

Piers and Harbours; for confirming certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861" (24 & 25 Vict. c. 45), relating to Clynder, Hastings, and Newlyn - - - - - - - - - - - - - (G. B.) 56.

———— for confirming certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861" (24 & 25 Vict. c. 45), relating to Ardglass, Blackpool (South), Cowes (West), Dawlish, Hopeman, Hornsea, Llandudno, Penzance, Plymouth (Hoe), Redcar, and Scarborough - - - (G. B. & I.) 58.

———— to extend the Provisions of the Acts for the Encouragement of the Sea Fisheries in Ireland, by promoting and aiding with Grants of Public Money the Construction of Piers, Harbours, and other Works - - - - - - - - - - (I.) 45.

Plymouth. *See* Piers and Harbours.

Police. *See* Constabulary Force. Belfast Constabulary.

Poor Relief, &c.; to amend the Act 27 & 28 Vict. c. 42, providing Superannuation Allowances to Officers of Unions and Parishes, and to make other Amendments in the Laws relating to the Relief of the Poor - - - - - - - - - - - - - (E.) 113.

———— to provide for the Relief of the Poor in the New Forest - - - - - - - - - - - - - - (E.) 66.

Poor Persons Burial; to enable Boards of Guardians in Ireland to provide Coffins and Shrouds for the Burial of Poor Persons who at the Time of their Death were not in receipt of Relief from the Poor Rates - - - - - - - - - - - - - - (I.) 38.

		Cap.
Post Office Savings Banks; for amending the Laws relating to the Investments on account of Savings Banks and Post Office Savings Banks	(E.)	5.
Postmaster General; to enable the Postmaster General to sit in the House of Commons	(G. B. & I.)	55.
Preston. *See* Local Government.		
Prince Alfred's Annuity; to enable Her Majesty to provide for the Support and Maintenance of His Royal Highness Prince Alfred Ernest Albert on his coming of Age	(U. K.)	8.
Princess Helena's Annuity; to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Helena Augusta Victoria	(U. K.)	7.
Princess Mary of Cambridge's Annuity; to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Mary Adelaide Wilhelmina Elizabeth of Cambridge	(U. K.)	48.
Prisons; for the Amendment of the Laws relating to Prisons	(E.)	100.
Prize Money. *See* Army Prize Money.		
Prosecution Expenses; to extend the Law relating to the Expenses of Prosecutions, and to make Provision for Expenses on Charges of Felony and certain Misdemeanors before examining Magistrates	(E.)	52.
Provisional Orders Confirmation. *See* Drainage of Lands. Local Government. Piers and Harbours. Turnpike Trusts.		
Public Accounts; to consolidate the Duties of the Exchequer and Audit Departments, to regulate the Receipt, Custody, and Issue of Public Moneys, and to provide for the Audit of the Accounts thereof	(U. K.)	39.
Public Departments (Fees); to provide for the Collection of Fees in Public Departments and Offices by means of Stamps	(G. B. & I.)	76.
Public Exhibitions. *See* Works of Art.		
Public Health; to amend the Law relating to the Public Health	(G. B. & I.)	90.
Public Libraries; to amend the Public Libraries Act (18 & 19 Vict. c. 95)	(E. & S.)	114.
Public Offices (Site); to authorise the Commissioners of Her Majesty's Works and Public Buildings to acquire by compulsory Purchase, or otherwise, certain Lands, Houses, and Premises in the Parish of St. Margaret, Westminster; and for other Purposes	(E.)	21.
Public Works; to authorise Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries, and for the Employment of the Poor; and for the Purposes of "The Harbours and Passing Tolls Acts, 1861," "The Cattle Diseases Prevention Act, 1866," and "The Labouring Classes Dwellings Act, 1866"	(G. B. & I.)	72.
——— to authorise for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland	(I.)	73.

Q.

Qualification for Offices; to render it unnecessary to make and subscribe certain Declarations as a Qualification for Offices and Employments; to indemnify such Persons as have omitted to qualify themselves for Office and Employment; and for other Purposes relating thereto	(U. K.)	22.
——— to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively	(G. B. & I.)	116.
Qualifications of Revising Barristers; to amend the Law relating to the Qualifications of Revising Barristers	(E.)	54.

		Cap.
R.		
Railway Companies; to amend the Law relating to Securities issued by Railway Companies	(G. B. & I.)	108.
——— to enable the Public Works Loan Commissioners to make temporary Advances to Railway Companies in Ireland	(I.)	95.
Ramsgate. *See* Local Government.		
Record of Title and Land Debentures; to reduce the Number of Judges in the Landed Estates Court in Ireland, and to reduce the Duties payable under the Record of Title and Land Debentures Acts	(I.)	99.
Redcar. *See* Piers and Harbours.		
Reduction of the National Debt; for the Cancellation of certain Capital Stocks of Annuities standing in the Names of the Commissioners for the Reduction of the National Debt	(U. K.)	11.
Relief of the Poor. *See* Poor Relief.		
Reformatory Schools; to consolidate and amend the Acts relating to Reformatory Schools in Great Britain	(G. B.)	117.
Revising Barristers; to amend the Law relating to the Qualifications of Revising Barristers	(E.)	54.
Rochdale Vicarage; for vesting the Glebe Lands of the Vicarage of Rochdale (Lancaster) in the Ecclesiastical Commissioners for England, and for making Provision for the Endowment of the said Vicarage in lieu thereof; and for the Promotion of other Ecclesiastical Purposes connected therewith	(E.)	86.
Registrars of County Courts. *See* County Courts.		
S.		
Saint Leonard. *See* Local Government.		
Salaries. *See* Fees and Salaries, &c. Superannuations, &c.		
Sale, Bills of; to amend "The Bills of Sale Act, 1854" (17 & 18 Vict. c. 36)	(E.)	96.
Savings Banks; for amending the Laws relating to the Investments on account of Savings Banks and Post Office Savings Banks	(E.)	5.
——— for the Establishment and Regulation of Savings Banks for Seamen and Marines of the Royal Navy	(G. B. & I.)	43.
Scarborough. *See* Piers and Harbours.		
Schools, Industrial; to consolidate and amend the Acts relating to Industrial Schools in Great Britain	(G. B.)	118.
Schools, Reformatory; to consolidate and amend the Acts relating to Reformatory Schools in Great Britain	(G. B.)	117.
Scotland, Acts relating specially to. *See* Aberdeen. Burials in Burghs. Cattle Sheds in Burghs. Court Houses. Court of Session. Evidence. General Police and Improvement. Glebe Lands. Lunacy. New Parishes. Nuisances Removal. Parochial Buildings. Sheriff Court Houses.		
Seamen. *See* Naval Discipline. Naval Savings Banks.		
Securities (Railway); to amend the Law relating to Securities issued by Railway Companies	(G.B. & I.)	108.
Session, Court of; to make Provision in regard to the Mode of taking Evidence in Civil Causes in the Court of Session in Scotland	(S.)	112.
Sheds, &c. for Cattle in Burghs; to regulate the Inspection of Cattle Sheds, Cow-houses, and Byres within Burghs and populous Places in Scotland	(S.)	17.
Sheep. *See* Cattle Diseases.		

		Cap.
Sheriff Court Houses; to amend certain Provisions of "The Sheriff Court Houses (Scotland) Act, 1860" (23 & 24 Vict. c. 79)	(S.)	53.
Shrewsbury. *See* Local Government.		
Site for the National Gallery; to provide for the Acquisition of a Site for the Enlargement of the National Gallery	(E.)	83.
Site for Public Offices. *See* Public Offices.		
Solicitors; to amend the Laws for the Regulation of the Profession of Attorneys and Solicitors in Ireland, and to assimilate them to those in England	(I.)	84.
South Wales Highways. *See* Local Government.		
Southampton. *See* Local Government.		
Staines. *See* Thames Navigation.		
Stalybridge. *See* Local Government.		
Stamps. *See* Fees (Public Department).		
Standard of Weights and Measures, &c.; to amend the Acts relating to the Standard Weights and Measures, and to the Standard Trial Pieces of the Coin of the Realm	(U. K.)	82.
Straits Settlements; to provide for the Government of the "Straits Settlements"	(U. K.)	115.
Stroud. *See* Local Government.		
Superannuations, &c.; to provide for Superannuation Allowances to Officers of Vestries and other Boards within the Area of "The Metropolis Local Management Act"	(E.)	31.
——— to amend the Act 27 & 28 Vict. c. 42, providing Superannuation Allowances to Officers of Unions and Parishes, and to make other Amendments in the Laws relating to the Relief of the Poor	(E.)	113.
——— to amend the Law relating to the granting of Pensions and Superannuation Allowances to Persons holding certain Offices connected with the Administration of Justice in England	(E.)	68.
——— to amend the Act 10 & 11 Vict. c. 100, to consolidate the Laws relating to the Constabulary Force in Ireland [Salaries and Superannuations, &c.]	(I.)	103.
Supplies. *See* Consolidated Fund.		
Suspension of the Habeas Corpus. *See* Habeas Corpus Suspension.		

T.

Telegraph Act Amendment; to amend "The Telegraph Act, 1863" (26 & 27 Vict. c. 112)	(U. K.)	3.
Thames Navigation; for vesting in the Conservators of the River Thames the Conservancy of the Thames and Isis from Staines (Middlesex) to Cricklade (Wilts); and for other Purposes connected therewith	(E.)	89.
Tormoham. *See* Local Government.		
Treasurers of County Courts. *See* County Courts.		
Treaties of Extradition; for the Amendment of the Law relating to Treaties of Extradition	(U. K.)	121.
Trusts, Charitable; to make further Provision for the Enrolment of certain Deeds, Assurances, and other Instruments relating to Charitable Trusts	(E.)	57.
Tunbridge Wells. *See* Local Government.		
Turnpike Trusts; to continue certain Turnpike Acts in Great Britain, and to make further Provision concerning Turnpike Roads	(G. B.)	105.
——— to confirm certain Provisional Orders made under the Act 14 & 15 Vict c. 38, to facilitate Arrangements for the Relief of Turnpike Trusts	(E.)	92.

V.

		Cap.
Van Diemen's Land; to repeal Part of the Act 5 & 6 Vict. c. 76, for the Government of New South Wales and Van Diemen's Land -	(U. K.)	74.
Vancouver Island; for the Union of the Colony of Vancouver Island with the Colony of British Columbia - - - - - - -	(U. K.)	67.
Venereal Diseases; for the better Prevention of Contagious Diseases [Venereal Diseases] at certain Naval and Military Stations - -	(E. & I.)	35.
Ventnor. *See* Local Government.		
Vestries, Metropolitan. *See* Superannuations, &c.		
Vicarage of Rochdale; vesting the Glebe Lands of the Vicarage of Rochdale (Lancaster) in the Ecclesiastical Commissioners for England, and for making Provision for the Endowment of the said Vicarage in lieu thereof; and for the Promotion of other Ecclesiastical Purposes connected therewith - - - - - - -	(E.)	86.

W.

Wandsworth. *See* Local Government.		
Walmore Common, &c.; to extend the Provisions of the Acts for the Enclosure, Exchange, and Improvement of Land to certain Portions of the Forest of Dean called Walmore Common and the Bearce Common, and for authorising Allotments in lieu of the Forestal Rights of Her Majesty in and over such Commons - -	(E.)	70.
Wednesfield. *See* Local Government.		
Weights, Measures, and Coinage; to amend the Acts relating to the Standard Weights and Measures and to the Standard Trial Pieces of the Coin of the Realm - - - - - - - - -	(U. K.)	82.
West Hartlepool. *See* Local Government.		
Winchester. *See* Local Government.		
Woods, Forests, &c. *See* Crown Lands.		
Works of Art; for facilitating the public Exhibition of Works of Art in certain Exhibitions - - - - - - - - - -	(G. B. & I.)	16.
Works, Public. *See* Public Works.		

A

BILL

TO

Compel the Directors of Railway Companies to provide efficient Means of Communication between the Travellers by and the Guards in charge of Railway Trains.

WHEREAS, in consequence of the Absence of ready and effectual Means of Communication between Passengers travelling by Railway Trains and the Guards in charge thereof, great Evils have resulted, and the Safety of the whole Train and the Lives of the Passengers have been frequently emperilled: Preamble.

And whereas, by reason of the Absence of such Means of Communication, a general Feeling of Insecurity prevails amongst Persons travelling by Railways:

And whereas it is expedient to make Provision for the Establishment of some prompt and efficient Means of Communication between Persons travelling by Railways and the Guards in charge thereof, and between such Guards and the Drivers of Locomotive Engines attached to such Trains:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. In citing this Act, it shall be sufficient to use the Words "Railway Passengers' and Guards' Communication Act."

Act to apply to all Railway Companies.

2. The Provisions of this Act shall apply to all Railway Companies engaged in Passenger Traffic, and incorporated or to be incorporated in Great Britain or Ireland.

Effectual Means of Communication with Guards and Drivers of Railway Trains to be provided in all such Trains.

3. From and after the Expiration of *Three Months* from the *passing of this Act* each and every Railway Company in Great Britain and Ireland shall, in all Trains engaged in Passenger Traffic, fit up and provide in each Carriage and in each Compartment of a Carriage in which Passengers are admitted ready and effectual Means of Communication with the Guards in charge of such Trains respectively, and shall also provide ready and effectual Means of Communication between the said Guards and the Driver or Drivers of the Locomotive Engines attached to such Trains.

Penalty for not establishing such Means of Communication.

4. Any Railway Company causing or permitting Passenger Trains to travel upon the Lines of Railway under their Control and Management without providing the ready and effectual Means which they are hereby required to provide between the Passengers and the Guards, and between the Guards and the Drivers of Locomotive Engines attached to such Passenger Trains respectively, shall, for each such Passenger Carriage, and for each Journey of such Carriage, unprovided with the Means of Communication aforesaid, be liable, on summary Conviction before any Two Justices of the Peace, or before any One Stipendary Magistrate, to a Penalty not exceeding *Five Pounds*.

Penalty on Persons wantonly using Means of Communication.

5. Any Person or Persons being Passengers in a Railway Carriage provided with such Means of Communication with the Guards and Drivers of Locomotive Engines as aforesaid who shall wantonly or mischievously use or set in motion the Means of Communication with the said Guards so to be provided as aforesaid, shall for each Offence be liable, on summary Conviction as aforesaid, to a Penalty not exceeding *Five Pounds*, and, in default of such Penalty being paid, to *Seven Days* Imprisonment.

6. That upon receiving sufficient Evidence from the Directors of any Railway Company, that the Provisions of this Act have been effectually complied with by them, it shall be lawful for the Board of Trade to grant a Certificate, certifying such Compliance; and the Production of such Certificate, by any Railway Company obtaining the same, shall be received as Evidence that they have complied with the Provisions of this Act.

Railways (Guards' and Passengers' Communication).

A

BILL

To compel the Directors of Railway Companies to provide efficient Means of Communication between the Travellers by and the Guards in charge of Railway Trains.

(*Prepared and brought in by Mr. Henry B. Sheridan and Mr. Hardcastle.*)

Ordered, by The House of Commons, *to be Printed*, 20 *March* 1866.

[Bill 81.]

Under 1 *oz.*

A

BILL

TO

Enable the Public Works Loan Commissioners to make temporary Advances to Railway Companies in Ireland.

WHEREAS in the present State of the monetary Affairs of the Kingdom it is expedient that Provision should be made for authorizing Loans for short Periods to Railway Companies in Ireland: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as The Railway Companies (Ireland) Temporary Advances Act, 1866. Short Title.

2. For the Purposes of Loans under this Act, the Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under the Hands of Two or more of them, cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing Produce thereof, to the Account of the Commissioners for the Reduction of the National Debt, any Sum or Sums of Money not exceeding in the whole *Five hundred thousand Pounds*, such Money Power to charge not exceeding 500,000*l.* upon the Consolidated Fund.

to be applied exclusively under this Act, and to be at the Disposal of the Public Works Loan Commissioners (herein-after called "the Commissioners") in like Manner in all respects as Money placed at their Disposal under the Act of the Session of the Twenty-fourth and Twenty-fifth Years of Her Majesty (Chapter Eighty), and the Acts therein recited, subject nevertheless to the Provisions of this Act, which Provisions shall have full Effect notwithstanding anything in the Public Works Loan Act, 1853, or any Act therein mentioned, to the contrary contained.

Powers of Public Works Loan Acts extended to this Act.

3. All the several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in and conferred and imposed by the said Acts or any of them, so far as the same may be made applicable and are not varied by this Act, shall be taken to extend to this Act, and to everything to be done in pursuance of this Act, as if the same were herein repeated and set forth.

Advances of Money to Railway Companies in Ireland.

4. The Commissioners may, out of the Money for the Time being at their Disposal under this Act, from Time to Time lend to any Railway Company in Ireland, and any such Railway Company may from Time to Time borrow from the Commissioners, such Sums as may be agreed upon, subject and according to the following Provisions:

1. Every Loan shall be made either for the Purpose of discharging the Principal of Money temporarily borrowed and actually applied within Three Calendar Months before the passing of this Act in discharging Principal Money secured by any Debentures or other Securities of the Company duly issued before the passing of this Act pursnant to the Acts relating to the Company; or for the Purpose of discharging the Principal Money secured on any such Debentures or other Securities due at the Time of the passing of this Act or falling due within *Three Calendar Months* afterwards, or within such further Period not exceeding *Twelve Calendar Months* from the passing of this Act as the Commissioners of Her Majesty's Treasury may from Time to Time direct:
2. The Interest made payable on each Loan shall be at such Rate as the Commissioners of Her Majesty's Treasury shall from Time to Time direct, but not less than *Four Pounds* per Cent. per Annum, nor less than the Rate of Interest payable on the Principal Money in discharge whereof the Loan is applied: Provided that under special Circumstances the Commissioners of Her Majesty's Treasury may by Warrant under their Hands direct Interest to be payable at a Rate lower

lower than such last-mentioned Rate, but in such Case a Copy of each Warrant shall be laid before Parliament:

3. The Repayment of every Loan, with the Interest thereon, at a Time not later than *Twelve Calendar Months* from the Date of the Advance, shall be secured by a Debenture or other Security issued under the Acts of Parliament regulating the Company to which the Loan is made, and such Payment may be further secured in any Mode to be agreed on between the Company and the Commissioners, but it shall not be obligatory on the Commissioners to require any other Security besides the Debenture:

4. The Commissioners shall not be bound to make any Loan under this Act unless the Security offered is in their Opinion sufficient and proper.

Power to appoint Receiver in default of Payment for Six Months.

5. If any Principal Money or Interest secured by any Debenture or other Security given under this Act shall remain unpaid at the Expiration of *Six Months* after the same shall have become due, the Commissioners may, by Order in Writing under the Hands of any Three of them, appoint some Person to receive the whole or a competent Part of the Tolls or Sums liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, until such Interest, or such Principal and Interest, as the Case may be, together with all Costs and Expenses incurred by the Commissioners, including the Expenses of receiving the Tolls or Sums aforesaid, be fully paid, and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed, and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Receiver shall cease.

In default of Payment for Twelve Months Undertaking vested in Secretary of Public Works Loan Commissioners.

6. If any Principal Money or Interest secured by any Debenture or other Security given under this Act shall remain unpaid at the Expiration of *One Year* after the same shall have become due, then the whole Undertaking of the Company by whom such Debenture or Security was given, and all their Lands, Works, Rolling Stock, and other Property and Effects of every Kind, shall, immediately on the Expiration of such One Year, become vested in the Secretary of the Public Works Loan Commissioners, freed from all Mortgages, Charges, or Incumbrances whatsoever affecting the same, but by way of Mortgage for securing Payment of the Principal Monies and Interest due and to become due under all Debentures or other Securities duly issued and registered by the Company before the Mortgage under this Section takes effect, in the same Order and Priority, and with the same Benefit of special Security (if any) duly

given, as may be then subsisting, and by virtue of the Mortgage effected under this Section the Commissioners shall, under their several Acts, have, as against the Company, all the same Powers, Rights, and Priveleges as if such Mortgage had formed the First Charge on the Property of the Company, and had been originally made under the several Acts relating to the Commissioners, for securing the Amount of a Loan advanced under those Acts, and Default had been made in Payment of the Principal and Interest due in respect of such Loan.

Application of Moneys recovered under preceding Section.

7. The Moneys recovered or received by the Commissioners in respect of any Mortgage which shall take effect under the last preceding Section shall be applied as follows:

1. In Payment of all Costs, Charges, and Expenses incurred in executing or putting in force any Powers or Rights conferred by the Mortgage, or in realizing the Property mortgaged, or in the Recovery, Application, or Distribution of the Money received or secured thereunder, or otherwise in reference thereto:
2. In Payment of the Amounts due under all Debentures or other Securities duly issued and registered by the Company before the Mortgage took effect, in the same Order and Priority, and with the same Benefit of special Security, (if any,) duly given, and in the same Manner in all respects in which such Amounts would be payable out of the Assets of the Company in case no Mortgage had been effected under the last preceding Section:
3. The Surplus may be paid to the Company, or may be paid by the Secretary of the Commissioners, into the Bank of Ireland, to the Credit of the Accountant General of the Court of Chancery in Ireland, "The Account of the surplus Capital of the Company (naming the Company)," pursuant to the Provisions of the Act of the Eleventh and Twelfth Years of Her Majesty, Chapter Sixty-eight, intituled "An Act for "extending to Ireland an Act passed in the last Session of "Parliament, intituled 'An Act for better securing Trust "'Funds, and for the Relief of Trustees'" and for the Purpose of any such Payment into Court the Secretary of the Commissioners shall be deemed a Trustee of such Surplus, within the Meaning of the said Act:
4. Such Orders as shall seem fit shall from Time to Time be made by the Court of Chancery in Ireland, under the said last-mentioned Act, for Payment and Distribution of such Surplus or any Part thereof to the Company, or to or among any Companies or Persons entitled to such Surplus or any Part thereof.

8. Every

8. Every Debenture or other Security given by any Company for a Loan under this Act shall be deemed to be a Debenture or Security issued in accordance with the Acts regulating the Company, and shall not be rendered invalid by any Want of Compliance with the Provisions of such Acts, or by any other Omission or Informality whatever. Securities under this Act declared valid.

9. No Debenture or other Security executed for securing Payment of any Loan under this Act shall be liable to any Stamp Duty whatever. Exemption from Stamp Duty.

Railways (Ireland) Temporary Advances.

A

BILL

To enable the Public Works Loan Commissioners to make temporary Advances to Railway Companies in Ireland.

(*Prepared and brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, Lord Naas, and Mr. Hunt.*)

Ordered, by The House of Commons, *to be Printed*, 17 *July* 1866.

[Bill 220.]

Under 1 *oz.*

A

B I L L

TO

Consolidate and amend the Laws relating to the Valuation of rateable Property in Ireland.

WHEREAS various Provisions were made for the Valuation of rateable Property in Ireland by the following Acts, that is to say, the Ninth and Tenth Victoria, Chapter One hundred and ten; Fifteenth and Sixteenth Victoria, Chapter Sixty-three; Seventeenth Victoria, Chapter Eight; Twenty-third Victoria, Chapter Four; and Twenty-seventh and Twenty-eighth Victoria, Chapter Fifty-two: And whereas the Valuation of the entire rateable Tenements and Hereditaments in Ireland has been completed under said Acts, or some of them, and it is now expedient to consolidate and amend said Acts, and to make further Provision for the Revaluation and Revision of the Valuation of such Tenements and Hereditaments: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Preamble.

9 & 10 Vict. c. 110.
15 & 16 Vict. c. 63.
17 Vict. c. 8.
23 Vict. c. 4.
27 & 28 Vict. c. 52.

Expedient to consolidate and amend existing Acts.

1. This Act shall commence and take effect from and after the Day of *One thousand eight hundred and sixty-six.*

Commencement of Act.

Valuations heretofore made to continue in force until altered under this Act.

2. The Valuations already completed, and every Revision made and to be made thereof under the Provisions of the said Acts, or any of them, shall, anything herein contained to the contrary notwithstanding, be and remain in force for all Purposes until such Valuation or Revision shall be altered or revised under the Provisions herein-after contained.

Revaluation to be made every 14 Years.

3. At or after the Expiration of every *Fourteen Years* from the Period at which the Tenement Valuation of any County, County of a City, or County of a Town has been completed under the Provisions of the said Acts, or any of them, or the Revaluation whereof shall hereafter be completed under the Provisions of this Act, it shall be lawful for the Lords Commissioners of Her Majesty's Treasury to direct the Commissioner of Valuation to make a Revaluation of the rateable Tenements and Hereditaments within such County, County of a City, or County of a Town, which Revaluation shall be made upon an Estimate of the net annual Value of such Tenements and Hereditaments, that is to say, the Rent for which, One Year with another, each Tenement or Hereditament might, in its then actual State, be reasonably expected to let from Year to Year; the probable average annual Cost of Repairs, Insurance, and other Expenses, if any necessary, to maintain the same in its actual State, and all Rates and Taxes to which the Occupier may be liable, being paid by the Tenant.

4. It shall be lawful for the Lords Commissioners of Her Majesty's Treasury, at any Time after the passing of this Act, in case a Period of *Five Years* shall have elapsed from the Completion of the Tenement Valuation, or of the Revaluation under the Provisions of this Act, upon Application by the Grand Jury of any County, or of the Town Council of any Borough, to direct the Commissioner of Valuation to make a general Revision of the Valuation of any County, County of a City, County of a Town, or Borough, which Revision shall be upon the Estimate in the foregoing Section mentioned.

Definetion of rateable Tenements and Hereditaments.

5. For the Purposes of this Act the following shall be deemed rateable Tenements and Hereditaments; viz., all Land, Buildings, and opened Mines; all Commons and Rights of Common; all Rights of Fishery; all Canals, Navigations, and Rights of Navigation; all Railways and Tramroads; all Rights of Way, and other Rights and Easements over Land, and the Tolls levied in respect of such Rights and Easements, and all other Tolls; all Telegraph Lines, Gas and Water Works, and the Works, Mains, and Pipes thereunto respectively belonging or used therewith or for the Purposes thereof; and

and all Profits to be had, received, or taken out or in respect of any Land or Building: Provided always, that no Turf Bog or Turf Bank used for the exclusive Purpose of cutting or saving Turf, or for taking Turf Mould therefrom for Fuel or Manure, shall be deemed rateable under this Act, unless a Rent or other valuable Consideration shall be payable for the same; and provided also, that no Mines which have not been opened Seven Years before the passing of this Act shall be deemed rateable until the Term of Seven Years from the Time of opening thereof shall have expired; and no Mines hereafter to be opened shall be deemed rateable until Seven Years after the same shall have been opened; and Mines bonâ fide re-opened, after the same shall have been bonâ fide abandoned, shall be deemed an opening of Mines within the Meaning of this Act.

Valuation not to be increased in respect of Drainage or other Agricultural Improvements.

6. No Tenement or Hereditament shall be liable to be valued in respect of any Increase in the Value thereof arising from Drainage, Reclamation, or Embankment, or the Erection of any Farm, Outhouse, or Office, or from any permanent Agricultural Improvement, as specified in an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her said Majesty, Chapter Thirty-two, Section Four, which shall have been made, erected, or executed within Seven Years next before the making of any Valuation of such Tenement or Hereditament, or Revision thereof.

Water and motive Power of Mills only to be valued.

7. In making the Valuation of any Mill or Manufactory, or Building erected or used for any such Purpose, the Commissioner of Valuation shall value the Water or other motive Power thereof, but shall not take into account the Value of any Machinery therein, save only such as shall be erected or used for the Production of motive Power.

Exemption of Premises used for public Purposes.

8. In making out the List of Valuation the Commissioner of Valuation shall distinguish all Tenements and Hereditaments, or Portions of the same, exclusively used for the Public Service or for Public Worship; and all such Tenements and Hereditaments, or Portions thereof so distinguished, shall, so long as they shall continue to be exclusively used for the Purposes aforesaid, be exempt from all Rates and Assessments: Provided always, that Half the annual Rent derived by the immediate Lessor or other Person interested in any Tenement or Hereditament, or Portion thereof so distinguished, shall be included in the Lists of Valuation so far as the same can or may be ascertained by the Commissioner of Valuation, and shall be liable to be rated and assessed in lieu of such Tenement or Hereditament, or Portion thereof; and where a Rent shall be payable for

or in respect of any Tenement or Hereditament, or Portion thereof so entitled to be exempt as aforesaid, or for same conjointly with any other Tenement or Hereditament, or Portion of a Tenement or Hereditament not so entitled, the Commissioner of Valuation shall, for the Purposes of this Act, be at liberty to apportion such Rent in respect of the Portion of such Tenement or Hereditament, or other Tenement or Hereditament so entitled to Exemption, and such Portion or such other Tenement or Hereditament not so entitled, and to ascertain what will be a fair Proportion of such Rent in respect of the Tenement or Hereditament, or Portion thereof so entitled to Exemption; and One Moiety of such Proportion of such Rent shall be entered in the Lists of Valuation, and shall be liable to be rated and assessed in lieu of such last-mentioned Tenement or Hereditament, or Portion thereof; but it shall not be necessary for the Commissioner of Valuation to make or sign any Order apportioning such Rent beyond the Entry of the Moiety thereof to be contained in such Lists.

Commissioner and Valuators authorized to enter Premises to make Valuation.

9. It shall and may be lawful for the Commissioner of Valuation continued by, or any Commissioner of Valuation to be appointed under this Act, and for any Valuators, Surveyors, or other Persons authorized by any such Commissioner, from Time to Time to enter into or upon any Tenements or Hereditaments for the Purpose of making or carrying on any Valuation or Revision authorized by this Act: Provided always, that in every Case in which it shall be necessary for any such Commissioners or Valuators, Surveyors, or other Person or Persons to enter any House, and when the Owner or Occupier thereof shall oppose or refuse to allow such Entry, such Commissioners, Valuators, Surveyors, or other Person or Persons shall give or leave at such House a Notice to the Owner or Occupier thereof, requiring to be permitted to enter the same; and at any reasonable Time after the Expiration of Three Days from the giving or leaving of such Notice it shall be lawful to make such Entry, such Commissioners, Valuators, Surveyors, or other Person or Persons, doing as little Damage as may be in the Execution of the Powers to them granted by this Act, and making reasonable Satisfaction (if required) to the Owner or Occupier of such House for any Damage that may be done thereto in the Execution of the Powers of this Act; and this Act shall be sufficient to indemnify such Commissioners, Valuators, Surveyors, or other Person or Persons, and all Persons acting in aid or under Orders of any of them in making such Entry.

Commissioner of Valuation to

10. When and as soon as the primary Revaluation of all the Tenements and Hereditaments within any County, Barony, or Poor Law

Law Union, County of a City, or County of a Town, shall be completed under this Act, the Commissioner of Valuation shall prepare and make out a List of the several Tenements and Hereditaments contained in each Townland or other Denomination therein, and of their respective Valuations, signed by him, the Commissioner of Valuation, and shall transmit a sufficient Number of such Lists, so signed by him, to the Treasurer of the County, and to the Clerk of the Board of Guardians of each Union in which the Tenements and Hereditaments contained in such List are situate, and to the Town Council of any City, Borough, or Town interested therein.

make out Lists of primary Valuations and transmit same to Clerks of Guardians.

11. The Clerk of every Board of Guardians to whom Copies of any such Lists shall be transmitted as aforesaid shall, within *Three Days* after the Receipt thereof, cause to be affixed a Notice on the principal outer Door or Gate Pier of the Church, and of any One Roman Catholic Chapel, and of any One Presbyterian Meeting House, if any, within every Parish, or Part of a Parish (included in the Union), in which any Tenements or Hereditaments contained in such List are situate, stating the Time at which said List was so transmitted, and the Time and Place at which the same may be inspected, and shall at all reasonable Hours on every Day, from and after the Receipt of said List, for *Twenty-one Days*, except Sundays, then ensuing, leave open for public Inspection at the Workhouse of such Union a Copy of the said List, and shall permit Extracts to be taken therefrom at all reasonable Times as aforesaid: Provided always, that in all Cases in which no Clerk shall have been appointed to the Board of Guardians of any Union, it shall be lawful for the Commissioners for administering the Laws for the Relief of the Poor in Ireland to appoint a Person to act in his Stead.

Clerks of Guardians to post Notices of Receipt of Lists.

Clerks of Guardians to keep Lists open for Inspection, and permit Copies to be taken therefrom.

12. Within *Twenty-eight Days* from and after the Receipt of the said List by the Clerk of any Union as aforesaid, any Person or Persons aggrieved by reason of the Valuation of any Tenement or Hereditament, or of any inaccurate Statement of Area, or inaccurate Description thereof contained in such List, or for any other Cause whatsoever, may send by Post or deliver to the Clerk of the Board of Guardians of the Union in which such Tenement or Hereditament is situate, a Notice in Writing, duly signed by him or them, or by his or their known Agent, setting forth the Grounds of such Grievance, and the said Clerk of the Board of Guardians shall forthwith forward said Notice to the Commissioner of Valuation, at the Office in Dublin of the General Valuation of Ireland.

Persons interested may appeal within Twenty-eight Days.

Commissioner of Valuation to inquire into Appeal, and decide thereon.

13. The Commissioner of Valuation shall, on receipt of every such Notice as aforesaid, inquire into the Subject Matter thereof, and if necessary direct a Valuator or Surveyor, as the Case may require, who shall not have been previously employed in making the original Valuation contained in the Lists as aforesaid, to view such Tenement or Hereditament and investigate the Complaint stated in such Notice, and report thereon to him; and should it appear to the Commissioner of Valuation that the Valuation or Statement of the Area of the Tenement or rateable Hereditament referred to in any such Notice requires Amendment, he shall have Power to alter and amend such Valuation or Statement, and also to alter and amend the Valuation or Statement of the Area of any other Tenement or Hereditament (whether included in any such Notice or not) which shall appear to him to require Alteration or Amendment. And the Commissioner of Valuation shall make out and sign a List of all Cases in every Townland or other Denomination in which he shall have so altered or refused to alter the Valuation or Statement of the Area of any Tenement or Hereditament, or otherwise amended the same as aforesaid, and shall transmit such List to the Clerk of the Board of Guardians of the Union in which such Tenement or Hereditament is situate, who shall within Three Days after the Receipt of said List make the same public by Notices in the same Manner as hereinbefore provided as to the Publication of the primary Valuation.

Commissioner of Valuation to sign List.

Persons dissatisfied with Commissioner's Decision may appeal to Sessions.

14. At any Time within *Twenty-one Days* after the Receipt of the said last-mentioned List by the Clerk of the Board of Guardians, any Person or Persons aggrieved by the Valuation of any Tenement or Hereditament contained in said List, and desiring to appeal therefrom, shall send or deliver to the Clerk of the Board of Guardians a Notice in Writing, duly signed by him or them, the said Person or Persons aggrieved, or by his or their known Agent, of his or their Intention to appeal to the next Sessions for the Division of the County, or for the County of a City, or County of a Town in which such Tenement or Hereditament may be situate, stating the Ground of such Appeal; but in case such Sessions shall commence within Forty Days after the Receipt of the said last-mentioned List as aforesaid by the Clerk of the Board of Guardians, such Appeal shall be made to the succeeding Sessions as aforesaid; and the Clerk of the Board of Guardians of the Union in which such Tenement or Hereditament is situate, shall forthwith forward the said Notice to the Commissioner of Valuation, who shall be the Respondent in the said Appeal; and the Clerk of the Board of Guardians shall cause a List of all such Notices of Appeal, with the Names of the Appellants, and of the Tenements and Hereditaments

Notice of Appeal to be given to Clerk of Guardians.

ditaments which are the Subject thereof, to remain open for Inspection at the Workhouse of the Union; and if the Cause of Appeal shall be such as to require Alteration to be made in the Valuation of any Tenement or Hereditament for which any other Person or Persons is or are liable to be rated, the Appellant shall give like Notice to such other Person or Persons, who shall, if he or they so desire, be heard upon such Appeal; and within Five Days after Notice given of any such Appeal the Person appealing shall enter into a Recognizance in the Sum of Five Pounds before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the Sessions, for which such Notice shall have been given, and to abide the Order of and to pay such Costs as shall be awarded by the Court at such Sessions; and within Six Days after such Recognizance shall have been entered into, shall cause the same to be lodged in the Office of the Clerk of the Peace for the respective County or Place within which such Tenement or Hereditament may be situate, there to remain of Record and open for public Inspection without Payment of any Fee.

Appellant to enter into Recognizance.

15. The Guardians of any Union in which any Tenement or Hereditament shall be situate shall, with the Sanction of the Poor Law Commissioners, and not otherwise, have the same Power of Appeal to the Commissioner of Valuation and to the Sessions, and such Appeal shall be subject to the same Conditions and Provisions and exercised in the same Manner as is hereby provided for in respect to Appeals by any other Person or Persons, save so far as the same are herein-after altered.

Guardians, with Consent of Poor Law Commissioners, may appeal.

16. When the Guardians of any Union shall, with the Sanction aforesaid, be the Party appealing, their Clerk shall send by Post or cause to be delivered to the Occupier or Occupiers of the Tenement or Hereditament in respect of the Valuation of which the Appeal is made, a Notice similar in all respects to that herein-before mentioned, and such Notice shall be signed by such Clerk, and a Copy thereof shall be sent by such Clerk to the Commissioner of Valuation at the Office in Dublin of the General Valuation of Ireland.

Guardians to give Notice of Appeal.

17. In any Appeal by Guardians to the Sessions sanctioned as aforesaid, the Occupier or Occupiers of the Tenement in respect of the Valuation of which such Appeal is made shall be joined as Respondents in such Appeal together with the Commissioner of Valuation, and in case the said Guardians shall fail on the Hearing of such Appeal the Sessions may, if it shall so think fit, award to the Respondents or any of them such Costs as it may deem reasonable, not exceeding in the whole the Sum of Ten Pounds, for their

In Appeals by Guardians, Occupiers to be joined as Respondents.

Costs of such Appeal, and the Sum so awarded shall be forthwith paid to the said Respondents by such Guardians, and in no Case shall the Guardians be entitled as against the Respondents to the Costs of such Appeal.

Guardians appealing need not enter into Recognizance.

18. It shall not be necessary for any Guardians appealing to Sessions to enter into any Recognizance conditioned for the due Prosecution of such Appeal, or for any other Purpose.

Chairman of Sessions to hear and determine Appeal as stated in Notice.

Court may award Costs.

19. The Chairman of the Sessions before which any such Appeal shall be brought as aforesaid is hereby empowered and required, upon Proof of the Service of such Notice, and entering into and lodging of such Recognizance within the Time and in the Manner aforesaid, or on the Admission thereof by or on the Part of the Commissioner of Valuation, to hear and determine the Matter of each Appeal as stated in the Notice thereof, but not any other Cause or Matter of Appeal, and to hear all Parties who may be directly or indirectly interested in the Cause of such Appeal, and to make such Order therein as shall seem fit, and to award such Costs to the Party appealing or appealed against, or to any other Party who shall be brought before the said Court on the Hearing of such Appeal, whether the Appellant shall prosecute such Appeal or not, or shall appeal at the Hearing or not, as he shall think proper; and upon the Hearing of any such Appeal the Valuation shall be deemed to be correct until the contrary be shown; and the Determination of such Chairman in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever, unless the same shall be altered or varied by a Superior Court under the Provisions herein-after contained: Provided always, that if the Costs of such Appeal shall be awarded against the Commissioner of Valuation, such Costs, when paid by such Commissioner, together with the necessary Costs incurred by him in defending such Appeal, shall be deemed to be and charged as Part of the Expenses of the Valuation.

Guardians to pay necessary Expenses of their Clerk.

20. The Guardians of the Poor of the Union shall, out of any Funds under their Control, pay to the Clerk of the Guardians or other Person appointed in his Stead, the reasonable Expenses which he shall have incurred in the Execution of this Act.

Case may be stated for Opinion of Superior Court on Questions of Law.

21. And whereas it is expedient that Provision should be made for obtaining the Decision of a Superior Court on any Question of Law which may arise in relation to the Valuation or Revision of the Valuation of rateable Property in Ireland: Be it enacted, That within Three Months after the Hearing and Decision at any Sessions of any Appeal

Appeal which may be made under the Provisions of this Act against any Valuation or Exemption, the Commissioner of Valuation, or any other Party to such Appeal, if dissatisfied with such Decision may, by Notice in Writing signed by said Commissioner, or by such other Party, or by the Attorney of such Commissioner or other Party, require the Chairman of such Sessions to state and sign a Case setting forth the Facts and the Grounds of such Decision for the Opinion thereon of One of the Superior Courts of Law at Dublin; and such Chairman shall state such Case in Writing, and sign the same, and transmit it to the Commissioner of Valuation within Twenty-one Days after the Receipt of such Notice; and such Commissioner shall transmit the same to One of the Superior Courts of Law at Dublin, and shall give Notice in Writing thereof, with a Copy of the Case so stated and signed, to the other Party to the Proceedings in respect of which the Decision was given, or to the Attorney (if any) who shall have appeared for such Party at such Sessions.

Superior Court to hear and determine Questions.

22. The Superior Court to which a Case is transmitted under this Act shall hear and determine the Question or Questions of Law arising thereon, and shall reverse, affirm, or amend the Decision in respect of which the Case has been stated, or remit the Matter to the Sessions, with the Decision of such Superior Court thereon, or may make such other Order in relation to the Matter and as to the Costs thereof as to such Superior Court may seem fit, and all such Orders shall be final and conclusive on all Parties; and such Superior Court may send back the Case for Amendment, and thereupon the same shall be amended by such Chairman accordingly, and Judgment shall be delivered after it shall have been so amended; and all Costs which the Commissioner of Valuation shall incur or become liable to in respect of any such special Case shall be deemed and charged as Part of the Expense of the Valuation.

May send back Case to be amended.

Jurisdiction of Superior Court may be exercised by a Judge in Chamber.

23. The Authority and Jurisdiction hereby vested in a Superior Court may, subject to any Rules and Orders of such Court in relation thereto, be exercised by a Judge of such Court, sitting in Chamber, as well in Vacation as in Term Time; and no Writ of Certiorari or other Writ shall be required for the Removal from the Sessions of any Appeal, Order, or Decision, in relation to which a Case is stated under this Act or otherwise, for obtaining the Judgment or Decision of the Superior Court on such Case; and the Judges of such Superior Court, or any Two or more of them, of whom the Chief of such Court shall be One, may from Time to Time and as often as they shall see Occasion, make and alter Rules

and Orders to regulate the Practice and Proceedings in reference to the Cases herein-before mentioned.

Pendency of Appeal or Case not to prevent Valuation being used.

24. The Pendency of an Appeal against any Valuation or Revision thereof, or of a Case to a Superior Court, shall not prevent the issuing of the Lists of Valuation herein-after mentioned, or such Valuation from being used for the Purpose of all Rates and Assessments; but in case the Valuation assigned by the Commissioner to any Tenement or Hereditament shall be afterwards reduced, increased, or altered on the Hearing of an Appeal against same, it shall be lawful for the Court by which such Appeal shall be determined, to order that all Rates and Assessments made during the Pendency of such Appeal on any Tenement or Hereditament, the Valuation of which shall be so appealed against, shall be reduced, increased, or altered in a Ratio equivalent to any Reduction or Increase that may be made by such Court in the Valuation of such Tenement or Hereditament, or disallowed or otherwise dealt with as to such Court shall seem just.

If Valuation altered, corresponding Alteration to be made in any Rate made thereon.

Poor Rate Collectors to make out Lists in November, and lay same before Guardians. Ratepayers may make out similar Lists, and lodge same with Clerk of Guardians. Clerk of Guardians on or before 5th December to make One List, and keep it open for Inspection for Twenty Days, and to transmit same on or before 1st January to Commissioner, with Remarks of Guardians.

25. In the Month of *November* in each Year every Collector of Poor's Rate shall make out and lay before the Board of Guardians of the Union for which he is the Collector, a List of all the Tenements or Hereditaments situate within every Townland within the District for which he shall have been appointed Collector, the Valuation of which shall require Revision; and every Ratepayer within such Union may make out and deliver to such Clerk a similar List; and the Clerk of the Union shall, on or before the *Fifth Day of December* in each Year, prepare from all the said Lists One full and complete List of all the said Tenements and Hereditaments, and shall leave same open for Inspection at the Workhouse of the Union for *Twenty Days*, and permit Extracts to be taken therefrom, and shall, on or before the *First Day of January* in each Year, transmit such List to the Commissioner of Valuation, with any Remarks any Guardian or other Ratepayer may choose to make thereon.

Commissioner of Valuation to make Revision after 1st January in each Year.

26. The Commissioner of Valuation shall, with all convenient Speed after the *First Day of January* in each Year, cause a Revision to be made of the Valuation of all Tenements and Hereditaments which, owing to Alterations in the Value or Limits thereof, or for any other Cause may appear to him to require Correction; and as soon as the said Revision shall have been completed, the Commissioner of Valuation shall with all convenient Speed prepare and issue to the Treasurer of each County, the Guardians of each Union, and

Union, and to the Town Council of each City, Town, or Borough in which any Tenements or Hereditaments the Value whereof shall have been so revised are situate, and in the City of Dublin, or such other City, Town, or Place for which a Collector General of Rates has been or shall be appointed, to the Collector General of Rates new or corrected Lists of the Valuation of any such Tenements and Hereditaments in each County, City, Barony, Union, Town, or Borough the Valuation whereof shall have been so revised: Provided always, that the Commissioner of Valuation shall be at liberty to include in every such Revision the Valuation of all Buildings, Works, Tenements, and Hereditaments which may not have been included in any previous Valuation or Revision, or which which may have been subsequently built or constructed, and the additional Value of Land arising from Drainage, Reclamation, or Embankment, or the Erection of Farm Buildings after the Expiration of Seven Years from the Completion thereof, and to omit therefrom the Valuation of all Buildings or Works which may have been removed; and every such Revision of Valuation shall be made upon an Estimate of the net annual Value of each such Tenement and Hereditament ascertained as is herein-before provided.

Appeal against Revisions.

27. The Provisions herein-before contained shall apply to the Re-valuations and Revisions thereof to be from Time to Time made pursuant to the Provisions of this Act; and all Persons interested in any Tenement or Hereditament, and the Guardians of the Poor of any Union, shall have the same Power of Appeal to the Commissioner of Valuation, and afterwards to Sessions, subject to the same Conditions and Provisions, and to be exercised within the Time and to the same Extent and with the like Power for such Person or Persons, or for such Guardians, and also for the Commissioner of Valuation, to obtain the Decision of a Superior Court on any Question of Law which may arise as is herein-before provided.

When Valuation or Revision complete the Commissioner to transmit Lists to Treasurer, Clerks of Guardians, Town Councils, &c.

28. When and so often as the Valuation or Revision of the Valuation of all the Tenements and Hereditaments within any County, Barony, or Poor Law Union, County of a City, or County of a Town shall be completed under this Act, the Commissioner of Valuation shall prepare and make out a List of the several Tenements and Hereditaments contained in each Townland or other Denomination therein, and of their respective Valuations, signed by him the said Commissioner of Valuation, and shall transmit a sufficient Number of Copies of such Lists to the Treasurer of the County, and to the Clerk of the Board of Guardians of each Union in which the Tenements and Hereditaments contained in such List are situate, and to the Town Council of any City, Borough, or Town interested

Commissioner to furnish Lists to Commissioners of Inland Revenue.

interested therein; and between the *Fifth Day of April* and the *Fifth Day of June* in each Year, or between such other Days as the Commissioners of Her Majesty's Treasury shall from Time to Time direct, the Commissioner of Valuation shall transmit to the Commissioners of Inland Revenue, at their Head Office in Dublin, true Copies of the then last Valuation or revised Valuation of the rateable Tenements and Hereditaments in each Union and Electoral Division in Ireland, made under the Provisions of any Act or Acts heretofore passed relating to the Valuation of rateable Property in Ireland, or hereafter to be made or revised under the Provisions of this Act. And the Commissioners of Inland Revenue shall pay to the Commissioner of Valuation for such Copies after such Rate as the Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Monies shall be applied and accounted for as the said Commissioners shall from Time to Time direct. And from and after the Day whereon this Act shall come into operation, the Twelfth Section of an Act passed in the Session of Parliament held in the Sixteenth and Seventeenth Years of the Reign of Her said Majesty, Chapter Thirty-four, and also so much of the Thirteenth Section of said Act as provides that the Duties therein mentioned shall be assessed on the rateable Hereditaments liable thereto according to the respective Surveys and Valuations mentioned in said Act, shall be and the same are hereby repealed, save as to Matters heretofore done thereunder; and said Duties shall from thenceforth be charged and assessed upon the rateable Tenements and Hereditaments liable thereto according to the Valuation thereof to be contained in such Copies.

Commissioners of Inland Revenue to pay for such Copies.

Repeals 12th Section of 16 & 17 Vict. c. 34.

Repeals Part of 13th Section of 16 & 17 Vict. c. 34.

All Rates, Taxes, &c. to be made and assessed on Valuation by a Poundage Rate until same shall be revised.

29. All Rates, Taxes, Duties, and Assessments, both Public and Local, to be made or assessed upon any County, City, Barony, Parish, Poor Law Union, Electoral Division, or other Division or Denomination of Land, or upon any Tenement or Hereditament therein, from and after the Day whereon such List of the Valuation thereof shall have been signed and issued by the Commissioner of Valuation as aforesaid, shall be presented, assessed, ordered, made, applotted, and levied upon the Tenements and Hereditaments liable thereto, by a Poundage Rate, according to the Valuation of such Tenements or Hereditament as set forth in such List, and upon no other, until the same shall be revised or altered under the Provisions of this Act. And from and after the Day whereon the Valuation of any Tenements or Hereditaments shall have been revised, and the revised List of such Valuation shall have been signed and issued by the Commissioner of Valuation, such Rates, Taxes, Duties, and Assessments shall be in like Manner presented, assessed, ordered, made, applotted, and levied upon the Tenements and Hereditaments liable

When Valuation revised Rates and Taxes to be made by a Poundage Rate on revised Valuation.

liable thereto according to the Valuation of such Tenements and Hereditaments as set forth in the revised List, in place of that specified in any former List; and in making any Rate or Assessment it shall not be necessary to adopt or take into account any smaller Fraction than the One Fourth Part of a Penny in the Pound; and no Rate shall be vitiated or impugned by reason of its exceeding or falling short of the Amount authorized to be raised, provided that such Excess or Diminution shall have been occasioned by Fractions of not more than One Penny in the Pound.

In making Rate not necessary to take into account Fractions of less than the One Fourth of a Penny in the Pound.

30. No Rate or Assessment made or hereafter to be made shall be in anywise affected by reason of any Omission of any Person to do any of the Acts heretofore required, or which are by this Act required to be done in relation to any Valuation or Revision thereof, or by reason of any Misnomer, Omission, Error, Misdescription, or Variance whatsoever in such Valuation or Revision, or in the making thereof, or in any Copy thereof; and it shall not be necessary in any Suit or other Proceedings for Recovery of or in relation to any Rate or Assessment, or any Part thereof, or in relation to any Valuation or Revision thereof heretofore made or hereafter to be made, to give Evidence of the Performance of any of the Preliminaries required in the making of such Valuation or Revision, or as to the Form of the List thereof; and from and after the passing of this Act so much of an Act passed in a Session of Parliament held in the First and Second Years of the Reign of Her Majesty Queen Victoria, Chapter Fifty-six; and of an Act passed in a Session of Parliament held in the Twelfth and Thirteenth Years of the Reign of Her said Majesty, Chapter Thirty-four; and of one other Act passed in a Session of Parliament held in the Sixteenth and Seventeenth Years of the Reign of Her said Majesty, Chapter Thirty-four; and of any Act or Acts amending the same respectively, as authorizes the Court at any General or Quarter Sessions, or in the City of Dublin any Divisional Justice of the District within which a rateable holding is situate, or any Chairman or Recorder, to amend, alter, or quash any Rate or Assessment on the Ground of the net annual Value assigned therein to any Tenement or Hereditament, or on the Ground that any such Tenement or Hereditament should have been exempted, is hereby repealed.

Rates not to be affected by Omissions, &c. &c.

In Suits for Recovery of Rates not necessary to prove Preliminaries required in making Valuation.

Repeals so much of 1 & 2 Vict. c. 56., 12 & 13 Vict. c. 34., and 16 & 17 Vict. c. 34. as authorizes Courts of Quarter Sessions or Divisional Justices to quash Rates on the Ground of Value, &c.

31. The Commissioner of Valuation is hereby authorized to supply Copies and Extracts of the Valuation and all Revisions thereof, and of all Field Books and Documents relating thereto, and Copies from Maps or Plans and Portions thereof in his Custody, to the Landed Estates Court, Ireland, and to all other Courts, Public Bodies, and Individuals requiring the same, and to charge for the same according to

Commissioner of Valuation to supply Copies, Maps, &c. to Judges of Landed

Estates Court and others.

to a Scale of Fees to be approved of by the Commissioners of Her Majesty's Treasury, which Fees shall be from Time to Time accounted for and applied in such Manner as the said Commissioners may direct, and every such Copy or Extract signed by the Commissioner of Valuation, or by such Person as he shall from Time to Time Depute for that Purpose, shall be deemed and taken to be a true Copy until the contrary is shown, and shall and may be received and given in Evidence in all Suits and other Proceedings without Proof or Oath, in like Manner as if the Original was produced and proved.

Copies of Valuation Maps, &c. signed by Commissioner of Valuation to be Evidence.

Lists to be in such Form as the Commissioners of the Treasury may approve of.

Commissioner of Valuation may correct Errors.

32. The various Lists which the Commissioner of Valuation is by this Act required to make out and transmit may be in such Form or to such Effect as the Commissioners of Her Majesty's Treasury shall from Time to Time approve of, and such Lists may be wholly or in part in Print or Writing, and the Commissioner of Valuation or any Person whom he may authorize shall be at liberty from Time to Time to correct any Error, Omission, Misnomer, or Misdescription therein; but no Alteration shall be made therein by any other Person or Persons whomsoever, save by Order of a Court of competent Jurisdiction.

Persons entitled to Half Rents liable to pay Rates thereon.

In default of Payment for Twenty-one Days, may be recovered from such Person or from Occupier.

Additional Powers given for the Recovery of Rates.

If Occupier compelled to pay Rate, he may deduct same from Rent or recover Amount in Action.

33. The Person or Persons entitled to the Receipt of any Half or apportioned Rent payable in respect of any Tenement or Hereditament, or Portion thereof, entitled to Exemption under the Provisions herein-before contained, shall be bound and liable to pay and discharge all Rates and Assessments to be made thereon, and in default of Payment by such Person or Persons for *Twenty-one* Days after such Rate or Assessment shall become payable the same may be recovered from such Person or Persons as if he or they were in possession of the Tenement or Hereditament in respect of which such Half or apportioned Rent shall be payable, or from the Person or Persons liable to pay such Half or apportioned Rent, or in possession or charge of such Tenement or Hereditament, or Portion thereof, who may deduct same and all Costs to which he or they may be put in relation thereto from such Rent, or recover same and such Costs from the Person or Persons entitled to such Half or apportioned Rent, as Money paid for his or their Use, with full Costs of Suit in any Court of Record: Provided always, that the Residue of such Tenement or Hereditament shall be liable to be valued, rated, and assessed in like Manner as if no Part thereof was entitled to such Exemption as aforesaid.

Commissioner of Valuation

34. The Commissioner of Valuation and all other Persons heretofore appointed or acting under the Provisions of the Acts heretofore passed

passed relating to the Valuation of rateable Property in Ireland, or any of them, shall and they are hereby respectively authorized and required to continue to discharge and execute their several Duties and Offices for the Purpose of carrying this Act into execution, without any further or other Appointment thereto, until the Commissioners of Her Majesty's Treasury shall otherwise direct, and it shall be lawful for the said Commissioners to appoint an Assistant Commissioner to assist in carrying the Provisions of this Act into execution; and upon the Death, Resignation, or Removal of such Commissioner of Valuation, or any other Commissioner or Assistant Commissioner hereafter to be appointed, it shall be lawful for the said Commissioners from Time to Time to nominate and appoint One other fit and proper Person to be the Commissioner or Assistant Commissioner of Valuation in his or their Place and Stead, who shall hold such Office during the Will and Pleasure of the said Commissioners.

and all others heretofore appointed to continue to act until Commissioner of the Treasury shall otherwise direct.

Upon Death or Removal of Commissioner or Assistant Commissioner, Commissioners of Treasury to appoint Successor.

35. It shall be lawful for any such Commissioner of Valuation continued or appointed under this Act, with the Approval of the said Commissioners, to appoint from Time to Time such Person or Persons as he may deem necessary to assist him in carrying into effect the Provisions of this Act, and from Time to Time to remove any such Person or Persons and to appoint any other Person or Persons to act in the Place and Stead of the Person or Persons so removed; and such Commissioner of Valuation and Assistant Commissioner, and other Person or Persons so continued or to be appointed, shall be entitled to receive such Salary, with such Allowances for Travelling, Hotel, and other Expenses, as may from Time to Time be fixed by the said Commissioners; and on the Discontinuance of his or their Office or Offices, or on his or their Removal therefrom, such Commissioner and other Person or Persons shall be entitled to such Superannuation, Pension, Compensation, or Allowance as is provided by the Act of the Twenty-second Year of the Reign of Her present Majesty, Chapter Twenty-six.

Commissioner of Valuation with Assent of Commissioners of Treasury to appoint Assistants, and from Time to Time to remove them.

36. It shall be lawful for the Lords Commissioners of Her Majesty's Treasury to order and direct that such Sum and Sums of Money as shall be required for defraying the Costs and Expenses of carrying the Provisions of this Act into execution shall be advanced and paid quarterly out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and such Advances shall be made in such Manner and under such Rules and Regulations as the said Commissioners shall from Time to Time direct, and One Moiety of such Advances (except as regards Superannuation Pensions or Allowances) shall be from Time to Time levied and raised

Treasury authorized to make necessary Advances to carry Provisions of Act into execution.

raised at the Instance of the said Commissioners; and to provide for such levying and Payment thereof it shall be lawful for the Chief Secretary or Under Secretary to the Lord Lieutenant from Time to Time to certify to the respective Grand Juries of every or any County the Amount of the Moiety of such Advances expended in respect of such County, or of any Barony, Poor Law Union, or Portion thereof within such County; and thereupon it shall and may be lawful for such Grand Jury and they are hereby authorized and required from Time to Time to make Presentment for the Amount of such Moiety as stated in such Certificate to be raised off the County at large, or off the several Baronies therein, or any of them, or off any Poor Law Union therein, or off any Portion of such Union, in such Proportions as the same shall be stated in such Certificate; and in case any Grand Jury shall decline or neglect to make any such Presentment, it shall be lawful for the presiding Judge and he is required to order the Amount stated in any such Certificate to be placed on the Levy and raised as if the same had been duly presented, and when and so soon as any Sum so presented or ordered as aforesaid shall be raised and received by the Treasurer of any County, the same shall be paid over to such Bank or Person as the said Commissioners may from Time to Time direct.

One Moiety of Advances to be repaid by Counties.

37. It shall be lawful for the said Commissioners of the Treasury from Time to Time to make and issue such Orders as they shall deem necessary for the Guidance of the Commissioner and all other Persons employed in the carrying this Act into execution.

Commissioners of the Treasury may make Order for Guidance of the Commissioner of Valuation.

38. In the Construction of this Act, unless there be anything in the Subject or Context repugnant to such Construction, the Words "Lord Lieutenant" shall be deemed to mean Lord Lieutenant or other Chief Governor or Governors of Ireland; the word "Chairman" shall include Recorder; the Words "Town Council" shall include Towns Commissioners under an Act of the Ninth Year of His late Majesty King George the Fourth, Chapter Eighty-two, or any Trustees or other Body empowered by Law to make Local Assessments; "Clerk of the Guardians" shall be understood to mean and include Clerk of the Board of Guardians of the Poor of the Union or other Person appointed to act or acting in his Stead; and the "Sessions" shall be understood to mean the Court of General or Quarter Sessions of the Peace; and the word "Assizes" shall include "presenting Term;" and the Word "Treasurer" and Grand Jury shall respectively include "Finance Committee;" and all Provisions and Directions in this Act contained relating to Counties shall extend to all Counties, Counties of Cities, Counties of Towns, and Towns corporate in Ireland; and all the Acts and

Construction of Terms.

Duties

Duties required by this Act to be performed by the several Grand Juries at the Assizes for any County shall and may, in the County of Dublin, be performed at the presenting Terms by the Grand Jury of the said County, duly met and impannelled, or by the Finance Committee, and in the County of the City of Dublin by the Council of the Borough of Dublin; and all Provisions and Directions relating to Baronies shall extend to Half Baronies and to all other Divisions of Counties being greater than Parishes, and in reference to any County of a City or County of a Town shall be deemed to mean and refer to such County of a City or County of a Town; and all Provisions and Directions relating to Parishes shall extend to all Chapelries or Divisions of Parishes or Extra-parochial Divisions; and all Provisions and Directions relating to Townlands shall extend to all Divisions and Sub-denominations of Lands less than and being comprised within any Parish; and the Word "Houses" shall include Buildings, and the word "Towns" shall include Cities; and where any Parish or Union shall be situate in more than One County or Barony, or partly in a Town and partly in a County of a City, County of a Town, or Town corporate, the several Parts of such Parish may be valued as a distinct Parish in the several Baronies or Counties, or Counties of Cities, or Counties of Towns, or Towns corporate in which they shall contribute to the Payment of any County Cess Charges or Grand Jury Rate.

Penalty on Clerks of Guardians and other Officers for Neglect of Duty.

39. If any Clerk to any Board of Guardians, Clerk of the Peace, Secretary of a Grand Jury, Treasurer of a County, Town Clerk, or Collector of Poor Rate, or any Valuator appointed by the Commissioner of Valuation, or other Person or Persons, shall omit or neglect or refuse to do any Matter or Thing which any such Person is by this Act required and directed to do in execution of this Act, or if any Person shall wilfully obstruct, hinder, or prevent any Person acting in the Execution of this Act, every Person so offending shall forfeit a Sum not exceeding *Ten Pounds*, in the Discretion of the Justices before whom such Offender shall be convicted; and all Penalties and Forfeitures inflicted or imposed by this Act may be sued for and recovered in a summary Way by the Order and Adjudication of any Justice or Justices of the Peace at Petty Sessions, under and subject to the several Provisions and Regulations relating to summary Jurisdiction contained in "The Petty Sessions (Ireland) Act, 1851," and shall be applied in the Manner by the said Act directed; and no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act shall be quashed for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record in Dublin.

Recovery of Penalties.

 40. From

Repeal of 13 Sec. of 15 & 16 Vict. c. 63.

40. From and after the Commencement of this Act the Provisions contained in the Thirteenth Section of the Act Fifteenth and Sixteenth Victoria, Chapter Sixty-three, and all other Acts or Part of Acts in anywise relating to the Valuation or Revision of the Valuation of rateable Property in Ireland, which may be inconsistent with this Act shall be and the same are hereby repealed.

Title of Act.

41. In citing this Act it shall be sufficient to describe the same as "The Tenement Valuation (Ireland) Act, 1866."

Rateable Property (Ireland).

A

B I L L

To consolidate and amend the Laws relating to the Valuation of rateable Property in Ireland.

(Prepared and brought in by Mr. Childers, Mr. Chichester Fortescue, and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed,* 3 *May* 1865.

[Bill 135.]

Under 3 oz.

A

BILL

FOR

The better settling the Real Estates of Intestates.

WHEREAS it is expedient that the Law of Succession to Real Estate in Cases of Persons hereafter dying intestate should be the same as the Law of Succession to Personal Estate in the like Cases: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Court entitled to grant Administration of the Goods and Chattels of any Person who shall hereafter die intestate shall be authorized and required to include in such Grant of Administration all Lands, Tenements, and Hereditaments, whether Freehold, Copyhold, or of any other Tenure or Kind, whereof the Intestate shall have died seised or possessed, or whereunto or wherein he shall have been beneficially entitled or interested in an absolute Estate of Inheritance, all which Lands, Tenements, and Hereditaments, Title and Interest, shall thereupon vest in such Administrator as from the Death of such Intestate, as fully as the same were respectively vested in such Intestate; and such Administrator shall be authorized

Preamble.

In Cases of Persons dying intestate all Real Estate to be included in Grant of Administration.

rized and required, subject to any Orders and Directions of such Court or Judge, as herein-after mentioned, to sell the said Lands, Tenements, and Hereditaments, and distribute the Proceeds of the Sale thereof, subject to the Payment thereout of all Debts, Funeral, and Adminstration Expenses, to such and the same Persons, and in the like Proportion and Manner, as such Administrator is now by Law required to distribute the Personal Estate of such Intestate, or the said Administrator may, at the Request of such Persons so entitled as aforesaid to the Proceeds of such Sale, divide and apportion the said Lands, Tenements, and Hereditaments, subject as aforesaid, unto and amongst the said Persons so entitled respectively.

Court of Chancery to make Orders, &c.

II. The Court of Chancery or any Judge thereof shall be authorized and empowered to give such Directions and to make such Orders and Decrees upon the summary Application of the said Administrator, or of the said Parties entitled, or of either of them, as to such Court or Judge shall seem most expedient for the more effectually carrying into effect the Provisions of this Act; and such Court or Judge shall be authorized and empowered to make such Orders, as to the Costs of and incident to such Application, as to such Court or Judge shall seem meet.

Real Estate Intestacy.

A

BILL

For the better settling the Real Estates of Intestates.

(*Prepared and brought in by Mr. Locke King, Mr. Bouverie, and Mr. Coleridge.*)

Ordered, by The House of Commons, *to be Printed*, 13 *March* 1866.

[Bill 69.]

Under 1 *oz.*

Redistribution of Seats Bill.

ARRANGEMENT OF CLAUSES.

Preamble.
Short Title of Act; Sect. 1.
Application of Act; 2.

Grouping of certain Boroughs.

Grouping of certain Boroughs; 3.
Regulations as to Groups of Boroughs; 4.

Certain Boroughs to return One Member only.

Certain Boroughs to return One Member only; 5.

Additional Members in Counties.

Division of South Lancashire; 6.
Polling Places; 7.
Provision in case of Dissolution before Construction of new Polling District; 8.
Voters for First General Election; 9.
Voters at subseqent General Elections; 10.
Additional Members for Counties; 11.

Additional Members for Boroughs.

Boroughs to return an additional Member; 12.
Division of the Tower Hamlets; 13.
Parishes of Chelsea and Kensington to form a Borough and return Two Members; 14.
New Boroughs to return One Member; 15.
Registers of Voters to be formed in 1867 for new Boroughs; 16.
Temporary Provisions consequent on Formation of new Boroughs; 17.
Provisions as to new Boroughs in case of a Dissolution before their Registers are in force; 18.
Returning Officers in the new Boroughs; 19.

University of London.

University of London to return One Member; 20.

Who to vote for Members of the University of London; 21.

Vice Chancellor of University of London to be the Returning Officer; 22.

Elections for University of London to be within Six Days after Receipt of Writ, Three clear Days Notice being given; 23.

Polling at University of London may continue Three Days; 24.

Provision for Appointment of Pro-Vice Chancellors and Poll Clerks to conduct the Poll in the University of London; 25.

Miscellaneous.

Parliamentary Boroughs to be co-extensive with Municipal; 26.

Limits for local Purposes to be extended to Parliamentary Boroughs; 27.

Inclosure Commissioners to appoint Assistant Commissioners to examine Boundaries of new Boroughs, and report if Enlargement necessary; 28.

Election Laws to remain in force; 29.

Writs, &c. to be made conformable to this Act; 30.

Construction of Act; 31.

SCHEDULES.

A

B I L L

FOR

The Redistribution of Seats.

WHEREAS it is expedient to make further Provision for the Distribution of Seats in Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as "The Distribution of Seats Act, 1866." Short Title of Act.

2. This Act shall not apply to Ireland or Scotland. Application of Act.

Grouping of certain Boroughs.

3. After the End of this present Parliament the Boroughs specified in the Third Column of Schedule A. to this Act annexed shall not separately return Members to Parliament, but for the Purpose of returning Members to Parliament such Boroughs shall be combined into Groups in such Manner and under such Names as appear in the said Schedule, and each Group shall return the Number of Members therein mentioned. Grouping of certain Boroughs.

Regulations as to Groups of Boroughs.

4. The following Regulations shall be made with respect to the Groups of Boroughs specified in the said Schedule A.; (that is to say,)

1. In each Group the Borough named in the Second Column of the said Schedule (A.) as giving Name to the Group is herein-after referred to as "the Principal Borough," and the other Boroughs are referred to as Contributory Boroughs:
2. The Voters for a Member or Members to serve in Parliament for a Group of Boroughs shall be the same Persons who would be qualified to vote in each Borough of the Group for a Member or Members for that Borough if it were not comprised in a Group:
3. The Returning Officer of the Principal Borough shall be the Returning Officer of the Group:
4. The Town Clerk of each Contributory Borough, in addition to the List of Voters which he is required by Law to send to the Returning Officer of his own Borough, shall, on or before the last Day of November in every Year, sign and send to the Town Clerk of the Principal Borough a Copy of the List of Voters for such Contributory Borough:
5. Upon the Receipt of the Lists of Voters from the Contributory Boroughs the Town Clerk of the Principal Borough shall add thereto the List of Voters for his own Borough, and shall form all such Lists into a Book or Books, and shall sign and deliver such Book or Books on or before the Third Day of December to the Returning Officer of the Group, to be by him and his Successors as Returning Officer safely kept for the Purposes of the Acts relating to the Representation of the People in Parliament:
6. The Book or Books so delivered by the Town Clerk of the Principal Borough to the Returning Officer of the Group shall be the Register of Persons entitled to vote at any such Election of a Member or Members to serve in Parliament for the Group as may take place between the Third Day of December in the Year when the Register has been made, and the Third day of December in the succeeding Year:
7. Whenever by any Judgment or Order of the Court of Common Pleas any Alteration or Correction of the Register of Voters for any Group of Boroughs is required to be made, Notice of the said Judgment or Order shall be forthwith given by the said Court to the Returning Officer of the Group, and also where the Alteration or Correction affects the List of Voters for a Contributory Borough to the Returning Officer of that Contributory Borough, and the Notice so given shall be under the Hand of One of the Masters of the Court, and shall

shall specify exactly every Alteration or Correction required to be made, and the Returning Officer of the Group as to the Register of Voters for the Group, and also as to the List of Voters of the Principal Borough delivered to him, and the Returning Officer of each Contributory Borough as to the List of Voters of such Borough delivered to him, shall, on the Receipt of any Notice as aforesaid requiring an Alteration or Correction to be made in any such Register or List of Voters, alter or correct such Register or List accordingly, and sign his Name against every Alteration or Correction so made by him, and safely keep and hand over to his Successors every Notice given to him by the said Court as aforesaid:

8. The Writ for the Election of a Member or Members for the Group shall be directed to the Returning Officer of the Group:

9. The Returning Officer of the Group shall on the Receipt of the Writ forthwith transmit to the Returning Officer of each of the Contributory Boroughs Notice of the Day fixed by him for the Election of a Member or Members to serve in Parliament for the Group:

10. The Voters in each Borough of a Group shall respectively give their Votes in the Borough to which they belong before the Returning Officer:

11. The Returning Officers of each of the Contributory Boroughs shall for the Purpose of taking and conducting the Poll be deemed to be the Deputies of the Returning Officer of the Group, and shall deliver or transmit the Poll Books, in such Manner as the Deputies of Returning Officers of Cities and Boroughs in England are by Law required to do, and shall have the same Powers and perform the same Duties in every respect as are respectively conferred and imposed on such Deputies:

12. Save as aforesaid, Lists of Voters shall be made and revised, and the Election of Members be conducted in the same Manner in a Group of Boroughs as if such Boroughs had continued to return Members separately to Parliament; and save as aforesaid, the Returning Officer of each Borough forming One of a Group of Boroughs shall perform the same Duties and have the same Responsibilities and Powers as if he were the Returning Officer of a Borough separately returning a Member or Members to serve in Parliament:

13. In case a Dissolution of this present Parliament take place before the Day at and from which the Register of Voters to be first made for a Group of Boroughs begins to be in force, the

the existing Registers of the several Boroughs constituting such Group shall be deemed to be the Register of Voters for the Group.

Certain Boroughs to return One Member only.

Certain Boroughs to return One Member only.

5. After the End of this present Parliament each of the Boroughs enumerated in the Schedule B. to this Act annexed shall return One Member and no more to serve in Parliament.

Additional Members in Counties.

Division of South Lancashire.

6. After the End of the present Parliament the Southern Division of the County of Lancaster shall be divided into Two Divisions. Each of such Divisions shall consist of the Hundred described in the Schedule C. to this Act annexed, and shall be called by the Name of the South-western and South-eastern Division respectively.

In all future Parliaments there shall be Three Knights of the Shire to serve for each of the said Divisions, and such Knights shall be chosen in the same Manner and by the same Description of Voters, and in respect of the same Rights of Voting, as if each such Division were a separate County.

The Court for the Election of Knights of the Shire for each of such Divisions shall be holden at the Place named for that Purpose in Schedule C. to this Act annexed.

All Enactments applicable to Divisions of Counties returning Knights of the Shire to serve in Parliament, shall be deemed to apply to the Divisions constituted as aforesaid.

Polling Places.

7. The Justices of the Peace for the County of Lancaster assembled at any Court of Quarter Sessions not later than the first to be holden after the Dissolution of the present Parliament, shall name the Polling Places for each of the said South-western and South-eastern Divisions, and divide such Divisions into convenient Districts for polling, and shall assign One of such Districts to every Polling Place named; and a List stating the Polling Places and describing the Districts assigned shall be lodged with the Clerk of the Peace for the County of Lancaster, who shall forthwith cause Copies of such List to be printed, and shall deliver a Copy of such List to every Person who shall apply for the same, upon Payment of One Shilling for each Copy; but nothing herein contained shall, as regards the Divisions constituted by this Act, affect the Power of altering from Time to Time Polling Places and Districts contained in the Act of the Session held in the Sixth and Seventh Years of King William the Fourth, Chapter One hundred and two.

8. In

Provision in case of Dissolution before Construction of new Polling District.

8. In case of a Dissolution of the present Parliament, and a new Election taking place before the Justices have named such Polling Places and assigned such Polling Districts as aforesaid, the Places for the Time being by Law appointed for taking the Poll for Elections of Knights of the Shire for the Southern Division of the County of Lancaster, which are situate in the respective Divisions constituted by this Act, shall be the Places for taking the Poll at such Election for the Election of Knights of the Shire to serve in Parliament for the respective Divisions constituted as aforesaid, and the Districts assigned to such Polling Places shall be deemed to continue for the Purposes of such Election, subject to this Qualification, that if a Portion of any District assigned to any Polling Place is situate in a different Division from the Polling Place, the Sheriff shall, in his Proclamation of the Place and Time at which the Election of Members for either Division is to be held, declare at what Polling Place or Polling Places the Voters of any Parish or Township situate in such outlying Portion are to vote.

Voters for First General Election.

9. For the Purposes of the First General Election for the said South-western and South-eastern Divisions of the County of Lancaster that takes place after the Dissolution of this present Parliament, the Clerk of the Peace of the said County shall make a new Register of Voters by apportioning to each Division, according to the Situation in such Division of the Parishes or Townships, the several Persons appearing, by the existing Register, to be for the Time being Voters for the said Southern Division of the County of Lancaster, and the Voters for the said South-western and South-eastern Divisions respectively shall be determined by such new Register, and shall be entitled to vote accordingly, and the Clerk of the Peace of the said County of Lancaster shall send Notice to the Overseers of each Parish and Township within the said County of the Division for which the Voters of such Parish or Township are entitled to vote, and the said Overseer shall publish such Notice in manner directed by Law; and at such General Election as is mentioned in this Section all Persons shall vote in the Polling District in which their Qualifications are situate, unless they may have claimed, and be entitled by Law, to vote in some other Polling District within the same Division.

Voters at subsequent General Elections.

10. For the Purposes of all Elections subsequent to the First General Election held for the said Divisions after the Dissolution of this present Parliament, Registers of Voters shall be formed in respect of the Divisions of the said County of Lancaster constituted under this Act, at the same Time and in like Manner as if they were Divisions of Counties now returning Members to serve in Parliament;

liament; but nothing in this Act shall affect the Rights of Persons whose Names are for the Time being on the Register of Voters to vote at any Election of a Member of the Southern Division of the County of Lancaster in respect of any Vacancy that may take place before such Dissolution.

Additional Members for Counties.

11. After the End of this present Parliament each of the Counties and Divisions of Counties mentioned in Schedule D. hereto annexed shall be entitled to return Three Knights of the Shire instead of Two to serve in Parliament.

Additional Members for Boroughs.

Boroughs to return an additional Member.

12. After the End of this present Parliament each of the Boroughs of Liverpool, Manchester, Birmingham, and Leeds shall be entitled to return Three Members instead of Two, and the Borough of Salford shall be entitled to return Two Members instead of One to serve in Parliament.

Division of the Tower Hamlets.

13. The Borough of the Tower Hamlets shall be divided into Two Divisions, and each Division shall in all future Parliaments be deemed to be a separate Borough returning Two Members to serve in Parliament.

Each of the said Divisions shall comprise the Places mentioned in the Schedule E. hereto annexed, and shall be called by the Name of the Northern and Southern Division of the Tower Hamlets respectively.

Voters for First General Election.

For the Purposes of the First General Election for the said Divisions of the Tower Hamlets that takes place after the Dissolution of this present Parliament, the Town Clerk of the said Borough of the Tower Hamlets shall make a new Register of Voters by apportioning to each Division, according to the Situation in such Division of the Parishes or Townships, the several Persons appearing, by the existing Register, to be for the Time being Voters for the said Borough, and the Voters for the said Divisions respectively shall be determined by such new Register, and shall be entitled to vote accordingly, and the Town Clerk of the said Borough of the Tower Hamlets shall send to the Returning Officer of each Division and to the Overseers of each Parish and Township within the said Borough Notice of the Division for which the Voters of such Parish or Township are entitled to vote, and the said Overseers shall publish such Notice in manner directed by Law.

Voters at subsequent General Elections.

For the Purposes of all Elections subsequent to the First General Election held for the said Divisions after the Dissolution of this present Parliament, Registers of Voters shall be formed in respect of

of the Divisions of the said Borough of the Tower Hamlets, constituted under this Act, at the same Time and in like Manner as if they were separate Boroughs returning Members to serve in Parliament; but nothing in this Act shall affect the Rights of Persons whose Names are for the Time being on the Register of Voters to vote at any Election of a Member for the Borough of the Tower Hamlets in respect of any Vacancy that may take place before such Dissolution.

Parishes of Chelsea and Kensington to form a Borough and return Two Members.

14. The Parishes of Chelsea and Kensington in the County of Middlesex shall for the Purpose of this Act together form a Borough, to be called the Borough of Chelsea, and in all future Parliaments such Borough shall return Two Members to serve in Parliament.

New Boroughs to return One Member.

15. Each of the Places named in the Schedule F. to this Act annexed shall for the Purposes of this Act be a Borough, and until otherwise directed by Parliament shall comprise such Places and include such Boundaries as are specified and described in connexion with the Name of such respective Borough in the said Schedule F.

Registers of Voters to be formed in 1867 for new Boroughs.

16. Registers of Voters shall be formed in and after the Year *One thousand eight hundred and sixty-seven*, notwithstanding the Continuance of this present Parliament, for or in respect of the Boroughs constituted by this Act, in like Manner as if they respectively were Boroughs now returning Members to serve in Parliament.

Temporary Provisions consequent on Formation of new Boroughs.

17. Nothing in this Act contained shall affect the Rights of Persons whose Names are for the Time being on the Register of Voters for any County or Division of a County in which the Boroughs constituted by this Act are situate, to vote in any Election for a Member for such County or Division of County in respect of any Vacancy that may take place before the Dissolution of this present Parliament; but after such Dissolution no Person shall be entitled to be registered as a Voter or to vote for any such County or Division of a County who would not be entitled to be so registered in case the Boroughs constituted by this Act were now returning Members to Parliament.

Provisions as to new Boroughs in case of a Dissolution before their Registers are in force.

18. In case a Dissolution of this present Parliament take place before the Day at and from which the Registers of Voters to be first made for the Boroughs constituted by this Act begin to be in force, the Writs for the Election of Members to serve in Parliament for such respective Boroughs shall not be issued until such Registers begin to be in force.

Returning Officers in the new Boroughs.

19. In each of the Boroughs named in the Schedule F. to this Act annexed the Mayor or other chief Municipal Officer of such Borough for the Time being shall be the Returning Officer for such Borough, but in the Borough of Chelsea and the Divisions of the Tower Hamlets respectively the Returning Officer shall be appointed in the same Manner as if such Places were included amongst the Boroughs mentioned in Schedules (C.) and (D.) of the Act of the Second Year of William the Fourth, Chapter Forty-five, for which no Persons are mentioned in such Schedules as Returning Officers.

University of London.

University of London to return One Member.

20. In all future Parliaments the University of London shall return One Member to serve in Parliament.

Who to vote for Members of the University of London.

21. Every Person whose Name is for the Time being on the Register of Graduates constituting the Convocation of the University of London shall, if of full Age and not subject to any legal Incapacity, be entitled to vote in the Election of a Member to serve in Parliament for the said University.

Vice Chancellor of University of London to be the Returning Officer.

22. The Vice Chancellor of the University of London shall be the Returning Officer for such University, and the Writ for any Election of a Member to serve in Parliament for such University shall be directed to such Vice Chancellor.

Elections for University of London to be within Six Days after Receipt of Writ, Three clear Days Notice being given.

23. The Vice Chancellor of the University of London shall proceed to Election in pursuance of any Writ to be directed to him, as herein-before mentioned, within Six Days after the Receipt of such Writ, giving Three clear Days Notice of the Day and Place of Election, exclusive of the Day of Proclamation and the Day of Election; and the Vice Chancellor shall, after such Election, certify the same, together with such Writ, according to the Directions thereof.

Polling at University of London may continue Three Days.

24. At every contested Election of a Member or Members to serve in Parliament for the University of London the Polling shall commence at Eight o'Clock in the Morning of the Day next following the Day fixed for the Election, and may continue for not more than Three Days, Sunday, Christmas Day, and Good Friday being excluded, but no Poll shall be kept open later than Four o'Clock in the Afternoon.

Provision for Appointment of Pro-Vice

25. At every Election of a Member to serve in Parliament for the University of London, the Vice Chancellor shall appoint the Polling Place

Place, and also shall have Power to appoint Two or more Pro-Vice Chancellors, any One of whom may receive the Votes and decide upon all Questions during the Absence of such Vice Chancellor, and such Vice Chancellor shall have Power to appoint Poll Clerks and other Officers, by One or more of whom the Votes may be entered in the Poll Book or such Number of Poll Books as may be judged necessary by such Vice Chancellor; and such Vice Chancellor shall, not later than Two o'Clock in the Afternoon of the Day next following the Close of the Poll, openly declare the State of the Poll and make Proclamation of the Member chosen.

Chancellors and Poll Clerks to conduct the Poll in the University of London.

Miscellaneous.

26. Where at the Time of the passing of this Act any Municipal Borough, or any other Town or Place subject to the Jurisdiction of any Trustees or Commissioners acting in pursuance of any Local Act of Parliament for improving, cleansing, or paving any such Town or Place, or of a Local Board acting under the Local Government Act, 1858, is situate partly within and partly without the Limits of a Parliamentary Borough, any Place situate beyond the Limits of the Parliamentary Borough, but within the Limits of such Municipal Borough, Town, or Place, shall, after the passing of this Act, form Part of the Parliamentary Borough.

Parliamentary Boroughs to be co-extensive with Municipal.

For the Purposes of this Act "Municipal Borough" shall mean any Borough for the Time being subject to the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Seventy-six, intituled "An Act "to provide for the Regulation of Municipal Corporations in England "and Wales."

"Parliamentary Borough" shall mean a City or Borough as defined for the Purposes of the Acts relating to the Representation of the People.

27. Whenever after the passing of this Act any Town or Place that is situate partly within and partly without the Limits of a Parliamentary Borough may have definite Limits assigned to it by any Local Act of Parliament, or by any Provisional Order confirmed by Act of Parliament, conferring Powers for improving, cleansing, or paving such Town or Place, and whenever after the passing of this Act such Town or Place, or any Municipal Borough situate as aforesaid may have its Limits extended by any such Local Act or Provisional Order confirmed as aforesaid, in any such Case any Place situate beyond the Limits of the Parliamentary Borough, but within the Limits of such Town, Place, or Borough as so assigned or extended, shall form Part of the Parliamentary Borough.

Limits for local Purposes to be extended to Parliamentary Boroughs.

Inclosure Commissioners to appoint Assistant Commissioners to examine Boundaries of new Boroughs, and report if Enlargement necessary.

28. The Inclosure Commissioners for England and Wales shall, immediately after the passing of this Act, appoint special Assistant Commissioners, who shall examine the Boundaries of the Boroughs constituted by this Act, including the Divisions of the Borough of the Tower Hamlets.

The Assistant Commissioners so appointed shall give Notice, by public Advertisement, of their Intention to visit such Boroughs, and shall appoint a Time for receiving the Statements of any Persons who may be desirous of giving Information as to the Boundaries or other local Circumstances of such Boroughs, and shall, by personal Inspection and such other Means as they shall think necessary, possess themselves of such Information as will enable them to make such Report and Recommendation as aforesaid.

Upon the Completion of such Examination by the said Assistant Commissioners, the Inclosure Commissioners shall report to One of Her Majesty's Principal Secretaries of State whether any Enlargement of the Boundaries of such Boroughs is necessary in order to include within the Area thereof the Population properly belonging to such Boroughs respectively, and in such Report shall propose such new Boundaries (if any) as in their Judgment would effect that Object, but such Report shall be of no Validity until it has been confirmed by Parliament.

Election Laws to remain in force.

29. Subject to the Provisions of this Act, all Laws, Customs, and Enactments now in force relating to the Representation of the People in England and Wales, shall remain in full Force, and shall apply, as nearly as Circumstances admit, to any Constituency hereby authorized to return a Member or Members to Parliament as if it had heretofore returned such Members to Parliament.

Writs, &c. to be made conformable to this Act.

30. All Writs to be issued for the Election of Members to serve in Parliament, and all Mandates, Precepts, Instruments, Proceedings, and Notices consequent upon such Writs, shall be framed and expressed in such Manner and Form as may be necessary for the carrying the Provisions of this Act into effect.

Construction of Act.

31. The Words in this Act shall have the same Meaning as they have in the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, and this Act, so far as is consistent with the Tenor thereof, shall be construed as One with the Enactments for the Time being in force relating to the Representation of the People.

SCHE-

SCHEDULES.

SCHEDULE A.

Boroughs formed into Groups.

County in which Group situate.	Name of Group.	Name of Boroughs forming each Group.	Number of Members to be returned by each Group.
Berks and Oxford.	Woodstock Boroughs	Woodstock Wallingford Abingdon	Two.
Cornwall	Bodmin Boroughs	Bodmin Liskeard Launceston	Two.
Devon	Totnes Boroughs	Totnes Dartmouth Ashburton	One.
Devon and Dorset.	Bridport Boroughs	Bridport Honiton Lyme Regis	One.
Dorset	Dorchester Boroughs.	Dorchester Wareham	One.
Essex	Maldon Boroughs	Maldon Harwich	One.
Gloucester and Worcester.	Cirencester Boroughs.	Cirencester Tewkesbury Evesham	Two.
Hants	Andover Boroughs	Andover Lymington	One.
Hereford and Salop.	Ludlow Boroughs	Ludlow Leominster	One.

County in which Group situate.	Name of Group.	Name of Boroughs forming each Group.	Number of Members to be returned by each Group.
NORFOLK AND SUFFOLK.	Eye Boroughs -	Eye - - -	One.
		Thetford - - -	
SOMERSET AND WILTS.	Wells Boroughs -	Wells - - -	One.
		Westbury - - -	
SUSSEX AND HANTS.	Horsham Boroughs	Horsham - - -	Two.
		Midhurst - - -	
		Petersfield - -	
		Arundel - - -	
WILTS - -	Chippenham Boroughs.	Chippenham - -	Two.
		Malmesbury - -	
		Calne - - -	
WILTS - -	Devizes Boroughs -	Devizes - - -	One.
		Marlborough - -	
YORK (North and West Riding).	Ripon Boroughs -	Ripon - - -	Two.
		Knaresborough - -	
		Thirsk - - -	
YORK (North Riding).	Richmond Boroughs	Richmond - -	One.
		Northallerton - -	

SCHEDULE B.

BOROUGHS now returning TWO MEMBERS which are in future to return ONE MEMBER each.

Bridgenorth.	Huntingdon.
Buckingham.	Lichfield.
Cockermouth.	Marlow.
Hertford.	Newport.

SCHEDULE C.

The Two Divisions of the Southern Division of the County of Lancaster.

Name of Division.	Parts comprised in Division.	Place for holding Courts for Election of Knights of the Shire.
South-west Lancashire -	Hundred of West Derby -	Newton.
South-east Lancashire -	Hundred of Salford - -	Bury.

SCHEDULE D.

Counties and Divisions of Counties to return Three Members.

Chester, Northern Division.
Chester, Southern Division.
Cornwall, Western Division.
Derby, Northern Division.
Devon, Northern Division.
Devon, Southern Division.
Durham, Northern Division.
Durham, Southern Division.
Essex, Northern Division.
Essex, Southern Division.
Kent, Western Division.
Kent, Eastern Division.
Lancaster, Northern Division.
Lincoln, Parts of Lindsey.
Norfolk, Western Division.
Somerset, Eastern Division.
Somerset, Western Division.
Stafford, Northern Division.
Stafford, Southern Division.
Surrey, Eastern Division.
York, North Riding.
York, West Riding, Northern Division.
York, West Riding, Southern Division.

SCHEDULE E.

Divisions of Borough of Tower Hamlets.

Name of Division.	Places comprised in Division.
Northern Division	The Parish of Hackney. The Parish of St. Leonard, Shoreditch. The Parish of St. Matthew, Bethnal Green.
Southern Division	The Parish of St George's-in-the-East. The Hamlet of Mile End Old Town. The Union of Parishes of Poplar. The Union of Parishes of Stepney. The Union of Parishes of Whitechapel. The Liberty of the Tower of London.

SCHEDULE F.

PLACES to be BOROUGHS to return ONE MEMBER each.

County.	Places to be Boroughs.	Temporary Contents or Boundaries.
Lancaster - -	Burnley - -	The existing Municipal Boundaries.
Chester and Lancaster.	Stalybridge - -	The existing Municipal Boundaries.
Kent - - -	Gravesend - -	The existing Municipal Boundaries.
Durham - -	Hartlepool - -	The Municipal Borough of Hartlepool and West Hartlepool.
York, North Riding	Middlesborough -	The existing Municipal Boundaries.
York, West Riding	Dewsbury - -	The existing Municipal Boundaries.

Redistribution of Seats.

A

B I L L

For the Redistribution of Seats.

(Prepared and brought in by Mr. Chancellor of the Exchequer, Sir George Grey, and Mr. Villiers.)

Ordered, by The House of Commons, *to be Printed,* 7 *May* 1866.

[Bill 138.]

Under 2 oz.

Reformatory Schools Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

CLAUSE.

1. Short Title of Act.
2. Application of Act.
3. Definitions.

Certified Reformatory Schools.

4. Mode of certifying Reformatory Schools.
5. Inspection of School.
6. Resignation of Certificate by Managers.
7. Liabilities of Managers.
8. Effect of Withdrawal of Certificate.
9. Publication of the Grant or Withdrawal of Certificate.
10. Power to make Rules, &c.

Commitment of Offenders to and their Status at a Certified Reformatory School.

11. Offenders between 10 and 16 may be sent to Certified Reformatory Schools.
12. Removal of Offender to Certified Reformatory School.
13. Power of Parent to change School.
14. Discharge by Order of Secretary of State.
15. Placing Offenders out on Licence.
16. Power to apprentice Offenders.

Offences in relation to Reformatory Schools.

17. Refusal to conform to Rules.
18. Escaping from School.
19. Penalty on Persons inducing Offenders to escape from Certified Reformatory Schools.

Expenses of Reformatory Schools.

20. Expenses of Removal.
21. Contribution by Treasury.

CLAUSE.
22. Order of Justices for Contribution to Maintenance of Offenders in School.
23. Variation of Order.
24. Power of Prison Authority to contract.
25. Contribution to Establishment and Enlargement of Certified Reformatory Schools.
26. Mode of obtaining Sanction of Secretary of State.
27. Expenses of Prison Authorities and County Boards, how defrayed.

Houses of Refuge, &c.

28. Power for Local Reformatories to receive Offenders under Act 24 & 25 Vict. c. 132. s. 7.

Evidence.

29. Rules respecting Evidence.

Legal Proceedings.

30. Recovery of Penalties.
31. Service of Notice on Managers of Schools.

Forms.

32. Use of Form in Schedule.

Repeal of Acts.

33. Repeal of Acts.
34. Application of Act to existing Certified Schools.
35. Saving of 1 & 2 Vict. c. 82. ss. 9. 11.

SCHEDULE.

A

B I L L

TO

Consolidate and amend the Acts relating to Reformatory Schools in Great Britain.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Preliminary.

1. This Act may be cited as The Reformatory Schools Act, 1866. Short Title of Act.

2. This Act shall not extend to Ireland. Application of Act.

3. "Managers" shall include any Person or Persons having the Management or Control of any School to which this Act applies : Definitions : "Managers:"

"Justice" shall apply to England only, and shall mean a Justice of the Peace having Jurisdiction in the Place where the Matter requiring the Cognizance of a Justice arises : "Justice :"

"Justices" shall apply to England only, and shall mean Two or more Justices in Petty Sessions, and shall include the Lord Mayor or an Alderman of the City of London, or a Police or Stipendiary Magistrate or other Justice having by Law Authority to act alone for any Purpose with the Powers of Two Justices : "Justices :"

"Magistrate:" "Magistrate" shall apply to Scotland only, and shall include Sheriff, Sheriff Substitute, Justice of the Peace of a County, Judge in a Police Court, and Provost or Baillie of a City or Burgh:

"Prison Authority:" "Prison Authority" shall in England mean the same Persons as are defined to be Prison Authorities by The Prisons Act, 1865, and in Scotland shall mean the Administrators of a Prison, as defined by The Prisons (Scotland) Administration Act, 1860:

"Visiting Justice." "Visiting Justice" shall in Scotland mean the Administrators of a Prison, defined as aforesaid.

Certified Reformatory Schools.

Mode of certifying Reformatory Schools. **4.** One of Her Majesty's Principal Secretaries of State, hereinafter referred to as the Secretary of State, may, upon the Application of the Managers of any Reformatory School for the better training of youthful Offenders, direct One of Her Majesty's Inspectors of Prisons, who shall be styled the Inspector of Reformatory Schools, or such other Person as the Secretary of State may appoint to assist that Inspector, to examine into the Condition and Regulations of the School, and to report to him thereon; and, if satisfied with such Report, the Secretary of State may, by Writing under his Hand, certify that such School is fitted for the Reception of such youthful Offenders as may be sent there in pursuance of this Act, and the same shall be deemed a Certified Reformatory School.

No Addition or substantial Alteration shall be made to or in the Buildings of any Certified Reformatory School without the Approval in Writing of the Secretary of State.

Inspection of School. **5.** Every Certified Reformatory School shall from Time to Time, and at least once in every Year, be visited by the Inspector of Reformatory Schools, or by such other Person as the Secretary of State may appoint to assist the Inspector; and the Secretary of State, if dissatisfied with the Condition of such School as reported to him, may withdraw the Certificate, and may by Notice under his Hand, addressed and sent to the Managers of such School, declare that the Certificate is withdrawn as from a Time specified in the Notice, being not less than *Six Months* after the Date of the Notice.

Resignation of Certificate by Managers. **6.** The Managers of any Certified Reformatory School may, upon giving *Six Months* previous Notice in Writing of their Intention so to do, resign the Certificate given to such School; and accordingly, at the Expiration of *Six Months* from the Date of the Notice (unless before that Time the Notice is withdrawn), the Certificate shall be deemed to be resigned.

7. The

Liabilities of Managers.

7. The Managers of a Certified Reformatory School may decline to receive any youthful Offender proposed to be sent to them under this Act, but when they have once received him they shall be deemed to have undertaken to educate, clothe, lodge, and feed him during the whole Period for which he is liable to be detained in the School.

Effect of Withdrawal of Certificate.

8. Whenever the Certificate is withdrawn from or resigned by the Managers of a Reformatory School no youthful Offender shall be received into such School after the Date of the Receipt by the Managers of the School of the Notice of Withdrawal or after the Date of the Notice of Resignation (as the Case may be); but the Obligation of the Managers to educate, clothe, lodge, and feed any youthful Offenders in the School at the respective Dates aforesaid shall, excepting so far as the Secretary of State may otherwise direct, be deemed to continue until the Withdrawal or Resignation of the Certificate takes effect.

Publication of the Grant or Withdrawal of Certificate.

9. A Notice of the Grant of any Certificate to a Reformatory School, or of the Withdrawal or Resignation of such a Certificate, shall within *One Month* be advertised by Order of the Secretary of State, as to a School in England in the London Gazette, and as to a School in Scotland in the Edinburgh Gazette.

Power to make Rules, &c.

10. The Managers of any Certified Reformatory School may from Time to Time make all necessary Rules for the Management and Discipline of the School under their Charge, but such Rules shall not be contrary to the Provisions of this Act, and shall not be enforced until they have been submitted to and approved in Writing by the Secretary of State, and no Alteration shall be made without the Approval in Writing of the Secretary of State in any Rules so approved.

Commitment of Offenders to and their Status at a Certified Reformatory School.

Offenders between 10 and 16 may be sent to Certified Reformatory Schools.

11. Whenever any Offender, who, in the Judgment of the Court, Justices, or Magistrate before whom he is charged, is between the Ages of *Ten* and *Sixteen* Years, is convicted, on Indictment or in a Summary Manner, of an Offence punishable with Imprisonment, and is sentenced to be imprisoned for the Term of *Fourteen* Days or a longer Term, the Court, Justices, or Magistrate may direct him to be sent, at the Expiration of his Period of Imprisonment, to a Certified Reformatory School, and to be there detained for a Period of not less than *Two* Years and not more than *Five* Years.

The particular School to which the youthful Offender is to be sent may be named either at the Time of his Sentence being passed

or at any Time before the Expiration of his Imprisonment by the Court, Justices, or Magistrate who sentenced him, or in default thereof by any Visiting Justice of the Prison to which he is committed.

In choosing a Certified Reformatory School, so far as is possible, a Selection shall be made of a School conducted in accordance with the Religious Persuasion to which the youthful Offender appears to the Court, Justices, Magistrate, or Visiting Justice to belong, which Persuasion shall be named by the Court, Justices, Magistrate, or Visiting Justice.

A Minister of that Religious Persuasion may visit the youthful Offender at the School on such Days and at such Times as are from Time to Time fixed by Regulations made by the Secretary of State, for the Purpose of instructing him in Religion, and he shall be allowed to attend a Place of Worship of that Religious Persuasion at least once on each Sunday under the Care of a Person appointed or approved by the Managers of the School.

Removal of Offender to certified Reformatory School.

12. The Gaoler of every Prison having in his Custody any youthful Offender directed to be sent to a Reformatory School shall at the appointed Time deliver such Offender into the Custody of the Superintendent or other Person in charge of the School in which he is to be detained together with the Warrant or other Document in pursuance of which the Offender was imprisoned and is sent to such School.

The Possession of the Warrant or other Document in pursuance of which a youthful Offender is sent to a Certified Reformatory School shall be a sufficient Authority for his Detention in such School.

Power of Parent to change School.

13. The Parent, Step-parent, Guardian, or nearest adult Relative of any youthful Offender sent or about to be sent to a Certified Reformatory School which is not conducted in accordance with the Religious Persuasion to which the Offender belongs, may apply to the Court by whom such Offender was sentenced to be sent to a Reformatory School, or to the Visiting Justices of the Prison to which he was committed by that Court, or to the Justices or Magistrate by whom he was sentenced to be sent to a Reformatory School (or Justices or a Magistrate having the like Jurisdiction), to send or to remove such Offender to a Certified Reformatory School conducted in accordance with the Offender's Religious Persuasion, and the Court, Visiting Justices, Justices, or Magistrate (as the Case may be) shall comply with the Request of the Applicant, provided,—

First, that the Application be made before the Offender has been

been sent to a Certified Reformatory School, or within *Fourteen* Days after his Arrival at such a School;

Secondly, that the Applicant prove that the Managers of the School named by him are willing to receive the Offender;

Thirdly, that the Applicant pay, or give Security to pay, the following Expenses; namely,—where the Offender has not yet been sent to a School any additional Expense incurred in sending him to the School to which he is ordered to be sent under this Section, over and above what would have been incurred in sending him to the School to which he otherwise would have been sent,—and where the Offender has been sent to a School then the whole Expense of removing him from that School to the other School.

Discharge or Removal by Secretary of State.

14. The Secretary of State may at any Time order any Offender to be discharged from a certified Reformatory School, or to be removed from one Certified Reformatory School to another, but so that the whole Period of Detention of the Offender in a Reformatory School shall not be increased by such Removal.

Placing Offenders out on Licence.

15. The Managers of a Certified Reformatory School may, at any Time after the Expiration of *One Half* of the Period of Detention allotted to a youthful Offender, by Licence under their Hands, permit him to live with any trustworthy and respectable Person named in the Licence willing to receive and take charge of him.

Any Licence so granted shall not be in force for more than *Three Months*, but may at any Time before the Expiration of such *Three Months* be renewed for a further Period not exceeding *Three Months*, to commence from the Expiration of the previous Period of *Three Months*, and so on from Time to Time until the youthful Offender's Period of Detention is expired.

Any such Licence may also be revoked by the Managers of the School, by Writing under their Hands, at any Time before the Expiration of such Period of *Three Months*, and thereupon the youthful Offender to whom the Licence related may be required by the Managers, by Writing under their Hands, to return to the School.

The Time during which a youthful Offender is absent from a certified Reformatory School in pursuance of a Licence under this Section shall be deemed to be Part of the Time of his Detention in the School, and at the Expiration of the Time fixed by his Licence he shall be taken back to the School.

Any youthful Offender escaping from the Person with whom he is placed in pursuance of this Section, or refusing to return to the School at the Expiration of the Time fixed by his Licence, or any

Renewal thereof, or when required to do so on the Revocation of his Licence, shall be liable to the same Penalty as if he had escaped from the School itself.

Power to apprentice Offenders.

16. The Managers of a Certified Reformatory School may, at any Time after an Offender has been placed out on Licence as aforesaid, if he conducted himself well during his Absence from the School, bind him, with his own Consent, Apprentice to any Trade or Calling, notwithstanding that his Period of Detention has not expired.

Offences in relation to Reformatory Schools.

Refusal to conform to Rules.

17. If any Offender detained in a Certified Reformatory School wilfully neglects or wilfully refuses to conform to the Rules thereof, he shall, upon summary Conviction before a Justice or Magistrate having Jurisdiction in the Place or District where the School is situate, be imprisoned, with or without Hard Labour, for any Term not exceeding *Three Months;* and at the Expiration of the Term of his Imprisonment he shall, by and at the Expense of the Managers of the School, be brought back to the School from which he was taken, there to be detained during a Period equal to so much of his Period of Detention as remained unexpired at the Time of his being sent to Prison.

Escaping from School.

18. If any Offender detained in a Certified Reformatory School escapes therefrom, he may, at any Time before the Expiration of his Period of Detention, be apprehended without Warrant, and may (any other Act to the contrary notwithstanding) be then brought before a Justice or Magistrate having Jurisdiction in the Place or District where he is found, or in the Place or District where the School from which he escaped is situate; and he shall thereupon be liable, on summary Conviction before such a Justice or Magistrate, to be imprisoned, with or without Hard Labour, for any Term not exceeding *Three Months;* and at the Expiration of the Term of his Imprisonment he shall, by and at the Expense of the Managers of the School, be brought back to the School from which he escaped, there to be detained during a Period equal to so much of his Period of Detention as remained unexpired at the Time of his escaping.

Penalty on Persons inducing Offenders to escape from Certified Reformatory Schools.

19. Every Person who commits any of the following Offences, (that is to say,)—

First, knowingly assists directly or indirectly an Offender detained in a Certified Reformatory School to escape from the School;

Second, directly or indirectly induces such an Offender to escape from the School;

Third,

Third, knowingly harbours, conceals, or prevents from returning to the School, or assists in harbouring, concealing, or preventing from returning to the School, any Offender who has escaped from a Certified Reformatory School,—

shall, on summary Conviction before *Two* Justices or a Magistrate, be liable to a Penalty not exceeding *Twenty Pounds*, or, at the Discretion of the Justices, to be imprisoned for any Term not exceeding *Two Months*, with or without Hard Labour.

Expenses of Reformatory Schools.

Expenses of Conveyance and Clothing.

20. The Expense of conveying to any Certified Reformatory School any youthful Offender who has been directed to be detained in such a School, and the Expense of proper Clothing for him requisite for his Admission to the School, shall be defrayed as a current Expense by the Prison Authority within whose District he has been previously imprisoned.

Contribution by Treasury.

21. *The Commissioners of Her Majesty's Treasury may contribute, out of Money provided by Parliament, such Sum as the Secretary of State may recommend towards the Expenses of the Custody and Maintenance of any Offender detained in a Certified Reformatory School, or in discharge of the Expenses of any Removal of an Offender from one Certified Reformatory School to another which has been ordered by the Secretary of State.*

Order of Justices for Contribution to Maintenance of Offenders in School.

22. The Parent or Step-parent or other Person legally liable to maintain any youthful Offender detained in a Reformatory School shall, if of sufficient Ability, contribute to his Support and Maintenance therein a Sum not exceeding *Five Shillings* per Week.

On the Complaint of the Inspector of Reformatory Schools, or of any Agent of the Inspector, or of any Constable under the Directions of the Inspector (with which Directions the Constable is hereby required to comply), at any Time during the Continuance of the Offender in the School, any Justices or Magistrate having Jurisdiction at the Place where the Parent, Step-parent, or other Person liable as aforesaid resides, may, on Summons to the Parent or Step-parent or other Person liable as aforesaid, examine into his or her Ability, and may, if they or he think fit, make an Order or Decree on him or her for the Payment to the Inspector of Reformatory Schools, or to an Agent of the Inspector, of such weekly Sum, not exceeding *Five Shillings* per Week, as to them or him seems reasonable, during the whole or any Part of the Period for which the Offender is liable to be detained in the School.

Every such Order or Decree may specify the Time during which the Payment is to be made, or may be indefinite and until further Order.

In Scotland any such Order or Decree shall be held to be and to have the Effect of an Order or Decree in each and every Week for Payment of the Sum ordered to be paid for such Week; and under the Warrant for Arrestment therein contained (which the Magistrate is hereby authorized to grant if he sees fit), it shall be lawful to arrest weekly, for Payment of such weekly Sum as aforesaid, the Wages of the Defender due and current, and such Arrestment shall attach not only to the Wages due and payable to the Defender at the Date thereof, but also to the Wages current for the Week or other Term or Period in which such Arrestment is executed, any Law or Statute notwithstanding.

Every such Payment shall go in relief of the Charges on Her Majesty's Treasury, and shall be accounted for as the Commissioners of Her Majesty's Treasury direct.

18 & 19 Vict. c. 87. s. 5.

The Secretary of State may, in his Discretion, remit all or any Part of any Payment so ordered.

Variation of Order. 20 & 21 Vict. c. 55. s. 10.

23. Any Justices or Magistrate having Jurisdiction to make such Order may from Time to Time vary the same as Circumstances require, on the Application either of the Parent or of the Inspector of Reformatory Schools, or of any Agent of the Inspector, on *Fourteen Days* Notice being first given of such Application to the Inspector, Assistant Inspector, or Agent, or to such Parent, respectively.

Power of Prison Authority to Contract. 20 & 21 Vict. c. 55. s. 5.

24. Any Prison Authority may contract with the Managers of any certified Reformatory School for the Reception and Maintenance therein of Offenders whose Detention in a Certified Reformatory School is directed by a Court, or Justices, or a Magistrate, acting for or within the District of the contracting Prison Authority, in consideration of such Payments as may be from Time to Time agreed on.

Contribution to Establishment and Enlargement of Certified Reformatory Schools. 20 & 21 Vict. c. 55. s. 1, 2, 3, 4.

25. A Prison Authority in England may from Time to Time contribute such Sums of Money, and upon such Conditions as it may think fit, towards the Alteration, Enlargement, or rebuilding of a Certified Reformatory School, — or towards the Support of the Inmates of such School,—or towards the Management of such a School,—or towards the Establishment or building of a School intended to be a Certified Reformatory School, — or towards the Purchase of any Land required for the Use of an existing Certified Reformatory School, or for the Site of any School intended to be a Certified Reformatory School; provided,—

First, that not less than *Two Months* previous Notice of the Intention of the Prison Authority to take into consideration the making

making of such Contribution, at a Time and Place to be mentioned in such Notice, be given by Advertisement in some One or more public Newspaper or Newspapers circulated within the District of the Prison Authority, and also in the manner in which Notices relating to Business to be transacted by that Authority are usually given:

Secondly, that where the Council of a Borough is the Prison Authority, the Order for the Contribution be made at a Special Meeting of the Council:

Thirdly, that where the Contribution is for Alteration, Enlargement, rebuilding, Establishment, or building of a School or intended School, or for Purchase of Land, the Approval of the Secretary of State be previously given for that Alteration, Enlargement, rebuilding, Establishment, building, or Purchase.

In Scotland the County Board may contribute to any certified Reformatory School with the Consent and in the Manner provided by The Prisons (Scotland) Administration Act, 1860.

Mode of obtaining Sanction of Secretary of State.

26. In order to obtain the Approval of the Secretary of State as aforesaid where required, the Managers of the School, or Promoters of the intended School, shall forward to the Secretary of State Particulars of the proposed Establishment or Purchase, and a Plan of the proposed Alteration, Enlargement, rebuilding, or building, drawn on such Scale, and accompanied by such Particulars and Estimate of Cost, as the Secretary of State thinks fit to require; and the Secretary of State may approve of the Plan and Particulars submitted to him, with or without Modification, or may disapprove of the same, and his Approval or Disapproval shall be certified by Writing under his Hand.

Expenses of Prison Authorities and County Boards how defrayed.

27. Expenses incurred by a Prison Authority in England in carrying into effect the Provisions of this Act shall be deemed Expenses incurred by that Authority in carrying into effect the Provisions of The Prisons Act, 1865, and shall be defrayed accordingly.

Expenses incurred by a County Board in Scotland in carrying into effect the Provisions of this Act shall be a Charge on the Assessment for current Expenses incurred by that Board in carrying into effect the Provisions of The Prisons (Scotland) Administration Act, 1860.

Houses of Refuge, &c.

Power for Local Reformatories to receive Offenders.

28. Where in any City, Town, or Place there has been erected under Local Act of Parliament or otherwise any House of Refuge for youthful Offenders, or any Reformatory or Industrial School or other similar Institution, the Commissioners, Directors, or Managers thereof

thereof may receive and maintain therein if willing so to do, all such young Persons as are sent thereto under this Act, and may pay such Portion of the Fund under their Control as they think proper for the Training, Maintenance, and Disposal of such young Persons: Provided that such House of Refuge, School, or Institution is certified as a Reformatory School under this Act, and the Rules thereof, and all Alterations thereof from Time to Time, are approved by the Secretary of State.

Evidence.

Rules respecting Evidence.

29. The following Rules shall be enacted with respect to Evidence under this Act:

(1.) The Production of the London or Edinburgh Gazette containing a Notice of the Grant or Withdrawal of a Certificate by the Secretary of State to or from a Reformatory School, or of the Resignation of any such Certificate, shall be sufficient Evidence of the Fact of the Publication of such Notice, and also of the Fact of a Certificate having been duly granted to or withdrawn from the School named in the Notice, or resigned by the Managers thereof.

(2.) The Grant of a Certificate to a certified School may also be proved by the Production of the Certificate itself, or of a Certificate certifying the Fact, purporting to be signed by the Inspector of Reformatory Schools.

(3.) The Production of the Warrant or other Document in pursuance of which a youthful Offender is directed to be sent to a Certified Reformatory School, with a Statement indorsed thereon or annexed thereto, purporting to be signed by the Superintendent or other Person in charge of the School, to the Effect that the Offender therein named was duly received into and is at the Date of the signing thereof detained in the School, or has been otherwise dealt with according to Law, shall in all Proceedings relating to such Offender be Evidence of the Identity of and of the due Conviction and Imprisonment of and subsequent Detention of the Offender named in the Warrant or other Document.

(4.) A Copy of the Rules of a Certified Reformatory School, purporting to be signed by the Inspector of Reformatory Schools, shall be Evidence of such Rules in all legal Proceedings whatever.

(5.) A School to which any youthful Offender is directed to be sent in pursuance of this Act shall, until the contrary is proved, be deemed to be a Certified Reformatory School within the Meaning of this Act.

Legal

Legal Proceedings.

Recovery of Penalties.

30. The following Acts, that is to say,—

In England, the Act of the Session of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties of "Justices of the Peace out of Sessions, within England and "Wales, with respect to summary Convictions and Orders," and any Acts amending the same;

In Scotland, The Summary Procedure Act, 1864,—

shall apply to all Offences, Payments, and Orders in respect of which Jurisdiction is given to Justices or a Magistrate by this Act, or which are directed to be prosecuted, enforced, or made in a summary Manner or upon summary Conviction.

Service of Notice on Managers of Schools.

31. Any Notice may be served on the Managers of a Certified Reformatory School by delivering the same personally to any One of them, or by sending it, by Post or otherwise, in a Letter addressed to them or any of them at the School, or at the usual or last known Place of Abode of any Manager, or of their Secretary.

Forms.

Use of Forms in Schedule.

32. No Summons, Notice, or Order made for the Purpose of carrying into effect the Provisions of this Act shall be invalidated for Want of Form only; and the Forms in the Schedule to this Act annexed, or Forms to the like Effect, may be used in the Cases to which they refer, and when used shall be deemed sufficient.

Repeal of Acts.

Repeal of Acts.

33. There shall be repealed the Acts herein-after mentioned, that is to say,—

17 & 18 Vict. c. 86.

The Act of the Session of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Eighty-six, intituled "An Act for "the better Care and Reformation of youthful Offenders in Great "Britain;"

18 & 19 Vict. c. 87.

The Act of the Session of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter Eighty-seven, intituled "An Act "to amend the Act for the better Care and Reformation of youthful "Offenders, and the Act to render Reformatory and Industrial "Schools in Scotland more available for the Benefit of Vagrant "Children;"

19 & 20 Vict. c. 109.

The Act of the Session of the Nineteenth and Twentieth Years of Her present Majesty, Chapter One hundred and nine, intituled "An Act to amend the Mode of committing Criminal and Vagrant "Children to Reformatory and Industrial Schools;"

20 & 21 Vict. c. 55.

The Act of the Session of the Twentieth and Twenty-first Years of Her present Majesty, Chapter Fifty-five, intituled "An Act to "promote the Establishment and Extension of Reformatory Schools "in England:"

Provided that such Repeal shall not affect—

1. Any Certificate given or anything duly done under any Act hereby repealed:
2. Any Penalty, Forfeiture, or other Punishment incurred under any Act hereby repealed, or any Remedy for recovering or enforcing the same.

Application of Act to existing Certified Schools.

34. This Act shall apply to all Reformatory Schools certified under the Acts hereby repealed, or any of them, and to all Offenders sent to any Reformatory School under the Acts hereby repealed, or any of them, in the same Manner in all respects as if such Schools had been certified and such Offenders had been sent thereto under this Act, with this Qualification, that no youthful Offender shall be detained in any Reformatory School in pursuance of any Order made under the repealed Acts, or any of them, for a longer Period than he would have been liable to be detained therein if this Act had not been passed.

Saving of 1 & 2 Vict. c. 82. s. 11.

35. Nothing in this Act shall affect the Provisions relating to Reformatory Schools contained in the Act of the Session of the First and Second Years of Her Majesty's Reign, (Chapter Eighty-two,) "for establishing a Prison for young Offenders."

SCHE-

SCHEDULE.

Forms.

Reformatory Schools.

A

BILL

To consolidate and amend the Acts relating to Reformatory Schools in Great Britain.

(Prepared and brought in by Mr. Knatchbull-Hugessen and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 17 *May* 1866.

[Bill 162.]

Under 2 *oz.*

Reformatory Schools Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

CLAUSE.

1. Short Title of Act.
2. Application of Act.
3. Definitions.

Certified Reformatory Schools.

4. Mode of certifying Reformatory Schools.
5. Inspection of School.
6. Resignation of Certificate by Managers.
7. Liabilities of Managers.
8. Effect of Withdrawal of Certificate.
9. Publication of the Grant or Withdrawal of Certificate.
10. Power to make Rules, &c.
11. Officers to have Privileges, &c. of Constables.

Commitment of Offenders to and their Status at a Certified Reformatory School.

12. Offenders under 16 may be sent to Certified Reformatory Schools.
13. Removal of Offender to Certified Reformatory School.
14. Power of Parent to change School.
15. Discharge by Order of Secretary of State.
16. Placing Offenders out on Licence.
17. Power to apprentice Offenders.

Offences in relation to Reformatory Schools.

18. Refusal to conform to Rules.
19. Escaping from School.
20. Penalty on Persons inducing Offenders to escape from Certified Reformatory Schools.

Expenses of Reformatory Schools.

CLAUSE.
21. Expenses of Removal.
22. Contribution by Treasury.
23. Order of Justices for Contribution to Maintenance of Offenders in School.
24. Variation of Order.
25. Power of Prison Authority to contract.
26. Contribution to Establishment and Enlargement of Certified Reformatory Schools.
27. Mode of obtaining Sanction of Secretary of State.
28. Expenses of Prison Authorities and County Boards, how defrayed.

Houses of Refuge, &c. in Scotland.

29. Power for Local Reformatories in Scotland to receive Offenders.
30. Power for Secretary of State to send to Reformatory on conditional Pardon.

Evidence.

31. Rules respecting Evidence.

Legal Proceedings.

32. Recovery of Penalties.
33. Service of Notice on Managers of Schools.

Forms.

34. Use of Form in Schedule.

Repeal of Enactments.

35. Repeal.
36. Application of Act to existing Certified Schools.
SCHEDULE.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Consolidate and amend the Acts relating to Reformatory Schools in Great Britain.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Reformatory Schools Act, 1866. Short Title of Act.

2. This Act shall not extend to Ireland. Application of Act.

3. "Managers" shall include any Person or Persons having the Management or Control of any School to which this Act applies: Definitions: "Managers:"

"Justice" shall apply to England only, and shall mean a Justice of the Peace having Jurisdiction in the Place where the Matter requiring the Cognizance of a Justice arises: "Justice:"

"Justices" shall apply to England only, and shall mean Two or more Justices in Petty Sessions, and shall include the Lord Mayor or an Alderman of the City of London, or a Police or Stipendiary Magistrate or other Justice having by Law Authority to act alone for any Purpose with the Powers of Two Justices: "Justices:"

"Magistrate:" "Magistrate" shall apply to Scotland only, and shall include Sheriff, Sheriff Substitute, Justice of the Peace of a County, Judge in a Police Court, and Provost or Baillie of a City or Burgh:

"Prison Authority:" "Prison Authority" shall in England mean the same Persons as are defined to be Prison Authorities by The Prisons Act, 1865, and in Scotland shall mean the Administrators of a Prison, as defined by The Prisons (Scotland) Administration Act, 1860:

"Visiting Justice." "Visiting Justice" shall in Scotland mean the Administrators of a Prison, defined as aforesaid.

Certified Reformatory Schools.

Mode of certifying Reformatory Schools. **4.** One of Her Majesty's Principal Secretaries of State, hereinafter referred to as the Secretary of State, may, upon the Application of the Managers of any Reformatory School for the better training of youthful Offenders, direct One of Her Majesty's Inspectors of Prisons, who shall be styled the Inspector of Reformatory Schools, or such other Person as the Secretary of State may appoint to assist that Inspector, to examine into the Condition and Regulations of the School, and to report to him thereon; and, if satisfied with such Report, the Secretary of State may, by Writing under his Hand, certify that such School is fitted for the Reception of such youthful Offenders as may be sent there in pursuance of this Act, and the same shall be deemed a Certified Reformatory School.

No Addition or substantial Alteration shall be made to or in the Buildings of any Certified Reformatory School without the Approval in Writing of the Secretary of State.

Inspection of School. **5.** Every Certified Reformatory School shall from Time to Time, and at least once in every Year, be visited by the Inspector of Reformatory Schools, or by such other Person as the Secretary of State may appoint to assist the Inspector; and the Secretary of State, if dissatisfied with the Condition of such School as reported to him, may withdraw the Certificate, and may by Notice under his Hand, addressed and sent to the Managers of such School, declare that the Certificate is withdrawn as from a Time specified in the Notice, being not less than Six Months after the Date of the Notice.

Resignation of Certificate by Managers. **6.** The Managers of any Certified Reformatory School may, upon giving Six Months, and the Executors or Administrators of a deceased Manager (if only One) of any Certified Reformatory School may, upon giving One Month's, previous Notice in Writing of their Intention so to do, resign the Certificate given to such School; and accordingly, at the Expiration of Six Months or One Month (as the Case may be) from the Date of the Notice (unless before

before that Time the Notice is withdrawn), the Certificate shall be deemed to be resigned.

Liabilities of Managers.

7. The Managers of a Certified Reformatory School may decline to receive any youthful Offender proposed to be sent to them under this Act, but when they have once received him they shall be deemed to have undertaken to educate, clothe, lodge, and feed him during the whole Period for which he is liable to be detained in the School.

Effect of Withdrawal of Certificate.

8. Whenever the Certificate is withdrawn from or resigned by the Managers of a Reformatory School no youthful Offender shall be received into such School after the Date of the Receipt by the Managers of the School of the Notice of Withdrawal or after the Date of the Notice of Resignation (as the Case may be); but the Obligation of the Managers to educate, clothe, lodge, and feed any youthful Offenders in the School at the respective Dates aforesaid shall, excepting so far as the Secretary of State may otherwise direct, be deemed to continue until the Withdrawal or Resignation of the Certificate takes effect, or until the Contribution out of Money provided by Parliament towards the Custody and Maintenance of the Offenders detained in the School is discontinued.

Publication of the Grant or Withdrawal of Certificate.

9. A Notice of the Grant of any Certificate to a Reformatory School, or of the Withdrawal or Resignation of such a Certificate, shall within One Month be advertised by Order of the Secretary of State, as to a School in England in the London Gazette, and as to a School in Scotland in the Edinburgh Gazette.

Power to make Rules, &c.

10. The Managers of any Certified Reformatory School may from Time to Time make all necessary Rules for the Management and Discipline of the School under their Charge, but such Rules shall not be contrary to the Provisions of this Act, and shall not be enforced until they have been submitted to and approved in Writing by the Secretary of State, and no Alteration shall be made without the Approval in Writing of the Secretary of State in any Rules so approved.

Officers to have Privileges, &c. of Constables.

11. Every Officer of a Certified Reformatory School, while acting as such, shall by virtue of his Appointment, and without being sworn in before any Justice, be deemed to be a Constable, and to have all such Powers, Authorities, Protection, and Privileges for the Purpose of the Execution of his Duty as a Reformatory Officer as any Constable duly appointed has within his Constablewick by Common Law, Statute, or Custom.

Commitment of Offenders to and their Status at a Certified Reformatory School.

Offenders under 16 may be sent to Certified Reformatory Schools.

12. Whenever any Offender, who, in the Judgment of the Court, Justices, or Magistrate before whom he is charged, is under the Age of Sixteen Years, is convicted, on Indictment or in a summary Manner, of an Offence punishable with Imprisonment, and is sentenced to be imprisoned for the Term of Fourteen Days or a longer Term, the Court, Justices, or Magistrate may also sentence him to be sent, at the Expiration of his Period of Imprisonment, to a Certified Reformatory School, and to be there detained for a Period of not less than Two Years and not more than Five Years:

Provided always, that a youthful Offender, if a Male under the Age of Twelve Years, and if a Female under the Age of Ten Years, shall not be so directed to be sent to a Reformatory School unless he or she has been previously convicted of some Crime or Offence punishable with Penal Servitude or Imprisonment, or is sentenced in England by a Judge of Assize or Court of General or Quarter Sessions, or in Scotland by a Circuit Court of Justiciary or Sheriff.

The particular School to which the youthful Offender is to be sent may be named either at the Time of his Sentence being passed or at any Time before the Expiration of his Imprisonment by the Court, Justices, or Magistrate who sentenced him, or in default thereof by any Visiting Justice of the Prison to which he is committed.

In choosing a Certified Reformatory School, the Court, Justices, Magistrate, or Visiting Justice shall endeavour to ascertain the Religious Persuasion to which the youthful Offender belongs, and, so far as is possible, a Selection shall be made of a School conducted in accordance with the Religious Persuasion to which the youthful Offender appears to the Court, Justices, Magistrate, or Visiting Justice to belong, which Persuasion shall be specified by the Court, Justices, Magistrate, or Visiting Justice.

A Minister of that Religious Persuasion may visit the youthful Offender at the School on such Days and at such Times as are from Time to Time fixed by Regulations made by the Secretary of State, for the Purpose of instructing him in Religion, and, subject and according to the like Regulations, he shall be allowed to attend a Place of Worship of that Religious Persuasion (if there is any such Place within a convenient Distance from the School) at least once on each Sunday under the Care of a Person appointed or approved by the Managers of the School.

Removal of Offender to certified Reformatory School.

13. The Gaoler of every Prison having in his Custody any youthful Offender sentenced to be sent to a Reformatory School shall at the appointed Time deliver such Offender into the Custody of

of the Superintendent or other Person in charge of the School in which he is to be detained, together with the Warrant or other Document in pursuance of which the Offender was imprisoned and is sent to such School.

The Possession of the Warrant or other Document in pursuance of which a youthful Offender is sent to a Certified Reformatory School shall be a sufficient Authority for his Detention in such School.

Power of Parent to change School.

14. The Parent, Step-parent, Guardian, or nearest adult Relative of any youthful Offender sent or about to be sent to a Certified Reformatory School which is not conducted in accordance with the Religious Persuasion to which the Offender belongs, may apply to the Court by whom such Offender was sentenced to be sent to a Reformatory School, or to the Visiting Justices of the Prison to which he was committed by that Court, or to the Justices or Magistrate by whom he was sentenced to be sent to a Reformatory School (or Justices or a Magistrate having the like Jurisdiction), to send or to remove such Offender to a Certified Reformatory School conducted in accordance with the Offender's Religious Persuasion, and the Court, Visiting Justices, Justices, or Magistrate (as the Case may be) shall comply with the Request of the Applicant, provided,—

First, that the Application be made before the Offender has been sent to a Certified Reformatory School, or within Fourteen Days after his Arrival at such a School;

Secondly, that the Applicant show to the Satisfaction of the Court, Visiting Justices, Justices, or Magistrate that the Managers of the School named by him are willing to receive the Offender.

Discharge or Removal by Secretary of State.

15. The Secretary of State may at any Time order any Offender to be discharged from a certified Reformatory School, or to be removed from one Certified Reformatory School to another, but so that the whole Period of Detention of the Offender in a Reformatory School shall not be increased by such Removal.

The Secretary of State may also at any Time order a youthful Offender under Sentence of Detention in a Reformatory or Industrial School established under any other Act of Parliament, the General Rules for the Government whereof have been approved by the Secretary of State, to be discharged from such School, or to be removed therefrom to any Certified Reformatory School, and in case of Removal the youthful Offender shall after such Removal be deemed to be subject in all respects to the Provisions of this Act, but so that the whole Period of Detention of the Offender under his Sentence shall not be increased by such Removal.

 16. The

Placing Offenders out on Licence.

16. The Managers of a Certified Reformatory School may, at any Time after the Expiration of Eighteen Months of the Period of Detention allotted to a youthful Offender, by Licence under their Hands, permit him to live with any trustworthy and respectable Person named in the Licence willing to receive and take charge of him.

Any Licence so granted shall not be in force for more than Three Months, but may at any Time before the Expiration of such Three Months be renewed for a further Period not exceeding Three Months, to commence from the Expiration of the previous Period of Three Months, and so from Time to Time until the youthful Offender's Period of Detention is expired.

Any such Licence may also be revoked by the Managers of the School, by Writing under their Hands, at any Time before the Expiration of such Period of Three Months, and thereupon the youthful Offender to whom the Licence related may be required by the Managers, by Writing under their Hands, to return to the School.

The Time during which a youthful Offender is absent from a Certified Reformatory School in pursuance of a Licence under this Section shall be deemed to be Part of the Time of his Detention in the School, and at the Expiration of the Time fixed by his Licence he shall be taken back to the School.

Any youthful Offender escaping from the Person with whom he is placed in pursuance of this Section, or refusing to return to the School at the Expiration of the Time fixed by his Licence, or any Renewal thereof, or when required to do so on the Revocation of his Licence, shall be liable to the same Penalty as if he had escaped from the School itself.

Power to apprentice Offenders.

17. The Managers of a Certified Reformatory School may, at any Time after an Offender has been placed out on Licence as aforesaid, if he conducted himself well during his Absence from the School, bind him, with his own Consent, Apprentice to any Trade, Calling, or Service, notwithstanding that his Period of Detention has not expired; and every such Binding shall be valid and effectual to all Intents.

Offences in relation to Reformatory Schools.

Refusal to conform to Rules.

18. If any Offender detained in a Certified Reformatory School wilfully neglects or wilfully refuses to conform to the Rules thereof, he shall, upon summary Conviction before a Justice or Magistrate having Jurisdiction in the Place or District where the School is situate, be imprisoned, with or without Hard Labour, for any Term not exceeding Three Months; and at the Expiration of the Term of his

his Imprisonment he shall, by and at the Expense of the Managers of the School, be brought back to the School from which he was taken, there to be detained during a Period equal to so much of his Period of Detention as remained unexpired at the Time of his being sent to Prison.

Escaping from School.

19. If any Offender sentenced to be detained in a Certified Reformatory School escapes therefrom, he may, at any Time before the Expiration of his Period of Detention, be apprehended without Warrant, and, if the Managers of the School think fit, but not otherwise, may (any other Act to the contrary notwithstanding) be then brought before a Justice or Magistrate having Jurisdiction in the Place or District where he is found, or in the Place or District where the School from which he escaped is situate; and he shall thereupon be liable, on summary Conviction before such a Justice or Magistrate, to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Months; and at the Expiration of such Term he shall, by and at the Expense of the Managers of the School, be brought back to the School from which he escaped, there to be detained during a Period equal to so much of his Period of Detention as remained unexpired at the Time of his escaping.

Penalty on Persons inducing Offenders to escape from Certified Reformatory Schools.

20. Every Person who commits any of the following Offences, (that is to say,)—

First, knowingly assists directly or indirectly an Offender detained in a Certified Reformatory School to escape from the School;

Second, directly or indirectly induces such an Offender to escape from the School;

Third, knowingly harbours, conceals, or prevents from returning to the School, or assists in harbouring, concealing, or preventing from returning to the School, any Offender who has escaped from a Certified Reformatory School,—

shall, on summary Conviction before Two Justices or a Magistrate, be liable to a Penalty not exceeding Twenty Pounds, or, at the Discretion of the Justices, to be imprisoned for any Term not exceeding Two Months, with or without Hard Labour.

Expenses of Reformatory Schools.

Expenses of Conveyance and Clothing.

21. The Expense of conveying to any Certified Reformatory School any youthful Offender who has been directed to be detained in such a School, and the Expense of proper Clothing for him requisite for his Admission to the School, shall be defrayed as a current Expense by the Prison Authority within whose District he has been last imprisoned.

Contribution by Treasury.

22. The Commissioners of Her Majesty's Treasury may contribute, out of Money provided by Parliament, such Sum as the Secretary of State may recommend towards the Expenses of the Custody and Maintenance of any Offender detained in a Certified Reformatory School, or in discharge of the Expenses of any Removal of an Offender which has been ordered under the Provisions of this Act.

Order of Justices for Contribution to Maintenance of Offenders in School.

23. The Parent or Step-parent or other Person legally liable to maintain any youthful Offender detained in a Reformatory School shall, if of sufficient Ability, contribute to his Support and Maintenance therein a Sum not exceeding Five Shillings per Week.

On the Complaint of the Inspector of Reformatory Schools, or of any Agent of the Inspector, or of any Constable under the Directions of the Inspector (with which Directions the Constable is hereby required to comply), at any Time during the Continuance of the Offender in the School, any Justices or Magistrate having Jurisdiction at the Place where the Parent, Step-parent, or other Person liable as aforesaid resides, may, on Summons to the Parent or Step-parent or other Person liable as aforesaid, examine into his or her Ability, and may, if they or he think fit, make an Order or Decree on him or her for the Payment to the Inspector of Reformatory Schools, or to an Agent of the Inspector, of such weekly Sum, not exceeding Five Shillings per Week, as to them or him seems reasonable, during the whole or any Part of the Period for which the Offender is liable to be detained in the School.

Every such Order or Decree may specify the Time during which the Payment is to be made, or may be indefinite and until further Order.

In Scotland any such Order or Decree shall be held to be and to have the Effect of an Order or Decree in each and every Week for Payment of the Sum ordered to be paid for such Week; and under the Warrant for Arrestment therein contained (which the Magistrate is hereby authorized to grant if he sees fit), it shall be lawful to arrest weekly, for Payment of such weekly Sum as aforesaid, the Wages of the Defender due and current, and such Arrestment shall attach not only to the Wages due and payable to the Defender at the Date thereof, but also to the Wages current for the Week or other Term or Period in which such Arrestment is executed, any Law or Statute notwithstanding.

Every such Payment shall go in relief of the Charges on Her Majesty's Treasury, and shall be accounted for as the Commissioners of Her Majesty's Treasury direct.

The Secretary of State may, in his Discretion, remit all or any Part of any Payment so ordered.

24. Any

Variation of Order.

24. Any Justices or Magistrate having Jurisdiction to make such Order may from Time to Time vary the same as Circumstances require, on the Application either of the Parent or of the Inspector of Reformatory Schools, or of any Agent of the Inspector, on Fourteen Days Notice being first given of such Application to the Inspector, Assistant Inspector, or Agent, or to such Parent, respectively.

Power of Prison Authority to contract.

25. Any Prison Authority may contract with the Managers of any certified Reformatory School for the Reception and Maintenance therein of Offenders whose Detention in a Certified Reformatory School is directed by a Court, or Justices, or a Magistrate, acting for or within the District of the contracting Prison Authority, in consideration of such Payments as may be from Time to Time agreed on.

Contribution to Establishment and Enlargement of Certified Reformatory Schools.

26. A Prison Authority in England may from Time to Time contribute such Sums of Money, and upon such Conditions as it may think fit, towards the Alteration, Enlargement, or rebuilding of a Certified Reformatory School, — or towards the Support of the Inmates of such School,—or towards the Management of such a School,—or towards the Establishment or building of a School intended to be a Certified Reformatory School, — or towards the Purchase of any Land required for the Use of an existing Certified Reformatory School, or for the Site of any School intended to be a Certified Reformatory School; provided,—

First, that not less than Two Months previous Notice of the Intention of the Prison Authority to take into consideration the making of such Contribution, at a Time and Place to be mentioned in such Notice, be given by Advertisement in some One or more public Newspaper or Newspapers circulated within the District of the Prison Authority, and also in the manner in which Notices relating to Business to be transacted by that Authority are usually given:

Secondly, that where the Council of a Borough is the Prison Authority, the Order for the Contribution be made at a Special Meeting of the Council:

Thirdly, that where the Contribution is for Alteration, Enlargement, rebuilding, Establishment, or building of a School or intended School, or for Purchase of Land, the Approval of the Secretary of State be previously given for that Alteration, Enlargement, rebuilding, Establishment, building, or Purchase.

In Scotland a County Board may contribute to any Certified Reformatory School with the Consent and in the Manner provided by The Prisons (Scotland) Administration Act, 1860.

 27. In

Mode of obtaining Sanction of Secretary of State.

27. In order to obtain the Approval of the Secretary of State as aforesaid where required, the Managers of the School, or Promoters of the intended School, shall forward to the Secretary of State Particulars of the proposed Establishment or Purchase, and a Plan of the proposed Alteration, Enlargement, rebuilding, or building, drawn on such Scale, and accompanied by such Particulars and Estimate of Cost, as the Secretary of State thinks fit to require; and the Secretary of State may approve of the Plan and Particulars submitted to him, with or without Modification, or may disapprove of the same, and his Approval or Disapproval shall be certified by Writing under his Hand.

Expenses of Prison Authorities and County Boards how defrayed.

28. Expenses incurred by a Prison Authority in England in carrying into effect the Provisions of this Act shall be deemed Expenses incurred by that Authority in carrying into effect the Provisions of The Prisons Act, 1865, and shall be defrayed accordingly.

Expenses incurred by a County Board in Scotland in carrying into effect the Provisions of this Act shall be a Charge on the Assessment for current Expenses incurred by that Board in carrying into effect the Provisions of The Prisons (Scotland) Administration Act, 1860.

Houses of Refuge, &c. in Scotland.

Power for Local Reformatories in Scotland to receive Offenders.

29. Where in any City, Town, or Place in Scotland there has been erected under Local Act of Parliament or otherwise any House of Refuge for youthful Offenders, or any Reformatory School or other similar Institution, the Commissioners, Directors, or Managers thereof may receive and maintain therein if willing so to do, all such young Persons as are sent thereto under this Act, and may pay such Portion of the Fund under their Control as they think proper for the Training, Maintenance, and Disposal of such young Persons: Provided that such House of Refuge, School, or Institution is certified as a Reformatory School under this Act, and the Rules thereof, and all Alterations thereof from Time to Time, are approved by the Secretary of State.

Power for Secretary of State to send to Reformatory on conditional Pardon.

30. Where before or after the passing of this Act a youthful Offender has been sentenced to Transportation, Penal Servitude, or Imprisonment, and has been pardoned by Her Majesty on condition of his placing himself under the Care of some charitable Institution for the Reception and Reformation of youthful Offenders, the Secretary of State may direct him to be sent to a Certified Reformatory School for a Period of not less than Two Years and not more than Five Years; and thereupon such Offender shall be deemed to be subject to all the Provisions of this Act, as if he had been originally sentenced to Detention in a Certified Reformatory School.

Evidence.

Evidence.

31. The following Rules shall be enacted with respect to Evidence under this Act: Rules respecting Evidence.

(1.) The Production of the London or Edinburgh Gazette containing a Notice of the Grant or Withdrawal of a Certificate by the Secretary of State to or from a Reformatory School, or of the Resignation of any such Certificate, shall be sufficient Evidence of the Fact of the Publication of such Notice, and also of the Fact of a Certificate having been duly granted to or withdrawn from the School named in the Notice, or resigned by the Managers thereof.

(2.) The Grant of a Certificate to a certified School may also be proved by the Production of the Certificate itself, or of a Certificate certifying the Fact, purporting to be signed by the Inspector of Reformatory Schools.

(3.) The Production of the Warrant or other Document in pursuance of which a youthful Offender is directed to be sent to a Certified Reformatory School, with a Statement indorsed thereon or annexed thereto, purporting to be signed by the Superintendent or other Person in charge of the School, to the Effect that the Offender therein named was duly received into and is at the Date of the signing thereof detained in the School, or has been otherwise dealt with according to Law, shall in all Proceedings relating to such Offender be Evidence of the Identity of and of the due Conviction and Imprisonment of and subsequent Detention of the Offender named in the Warrant or other Document.

(4.) A Copy of the Rules of a Certified Reformatory School, purporting to be signed by the Inspector of Reformatory Schools, shall be Evidence of such Rules in all legal Proceedings whatever.

(5.) A School to which any youthful Offender is directed to be sent in pursuance of this Act shall, until the contrary is proved, be deemed to be a Certified Reformatory School within the Meaning of this Act.

Legal Proceedings.

32. The following Acts, that is to say,— Recovery of Penalties.

In England, the Act of the Session of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties of "Justices of the Peace out of Sessions, within England and "Wales, with respect to summary Convictions and Orders," and any Acts amending the same;

In Scotland, The Summary Procedure Act, 1864,—
shall apply to all Offences, Payments, and Orders in respect of which Jurisdiction is given to Justices or a Magistrate by this Act, or which are directed to be prosecuted, enforced, or made in a summary Manner or upon summary Conviction.

Service of Notice on Managers of Schools.

33. Any Notice may be served on the Managers of a Certified Reformatory School by delivering the same personally to any One of them, or by sending it, by Post or otherwise, in a Letter addressed to them or any of them at the School, or at the usual or last known Place of Abode of any Manager, or of their Secretary.

Forms.

Use of Forms in Schedule.

34. No Summons, Notice, or Order made for the Purpose of carrying into effect the Provisions of this Act shall be invalidated for Want of Form only; and the Forms in the Schedule to this Act annexed, or Forms to the like Effect, may be used in the Cases to which they refer, with such Variations as Circumstances require, and when used shall be deemed sufficient.

Repeal of Enactments.

Repeal.

35. There shall be repealed the Enactments herein-after mentioned, that is to say,—

1 & 2 Vict. c. 82. s. 11. Section Eleven of the Act of the Session of the First and Second Years of Her present Majesty, Chapter Eighty-two, intituled "An "Act for establishing a Prison for young Offenders;"

17 & 18 Vict. c. 86. The Act of the Session of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Eighty-six, intituled "An Act for "the better Care and Reformation of youthful Offenders in Great "Britain;"

18 & 19 Vict. c. 87. The Act of the Session of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter Eighty-seven, intituled "An Act "to amend the Act for the better Care and Reformation of youthful "Offenders, and the Act to render Reformatory and Industrial "Schools in Scotland more available for the Benefit of Vagrant "Children;"

19 & 20 Vict. c. 109. The Act of the Session of the Nineteenth and Twentieth Years of Her present Majesty, Chapter One hundred and nine, intituled "An Act to amend the Mode of committing Criminal and Vagrant "Children to Reformatory and Industrial Schools;"

20 & 21 Vict. c. 55. The Act of the Session of the Twentieth and Twenty-first Years of Her present Majesty, Chapter Fifty-five, intituled "An Act to "promote the Establishment and Extension of Reformatory Schools "in England:"

Provided

Provided that such Repeal shall not affect—

1. Any Certificate given or anything duly done under any Act hereby repealed:
2. Any Penalty, Forfeiture, or other Punishment incurred under any Act hereby repealed, or any Remedy for recovering or enforcing the same.

Application of Act to existing Certified Schools.

36. This Act shall apply to all Reformatory Schools certified under the Acts hereby repealed, or any of them, and to all Offenders sent to any Reformatory School under the Acts hereby repealed, or any of them, in the same Manner in all respects as if such Schools had been certified and such Offenders had been sent thereto under this Act, with this Qualification, that no youthful Offender shall be detained in any Reformatory School in pursuance of any Order made under the repealed Acts, or any of them, for a longer Period than he would have been liable to be detained therein if this Act had not been passed.

SCHEDULE.

FORMS.

(A.)

Conviction.

to wit. } Be it remembered, That on the Day of at in the said [*County*] of *A.B.*, under the Age of Sixteen Years, to wit, of the Age of [*Thirteen*] Years, is convicted before us, Two of Her Majesty's Justices of the Peace for the said [*County*], for that [*&c., state Offence in usual Manner*]; and we adjudge the said *A.B.* for his said Offence to be imprisoned in the [*Prison*] at in the said [*County*], [*and to be there kept to Hard Labour*] for the Space of :

And that, in pursuance of The Reformatory Schools Act, 1866, we also sentence the said *A.B.* to be sent, at the Expiration of the Term of Imprisonment aforesaid, to Reformatory School at in the County of (the Managers whereof are willing to receive him) [*or* to some certified Reformatory School to be hereafter, and before the Expiration of the Term of Imprisonment aforesaid, named in this Behalf], and to be there detained for the Period of commencing from and after the Day of [*the Date of the Expiration of the Sentence*].

Given under our Hands and Seals, the Day and Year first above mentioned, at in the [*County*] aforesaid.

J.S. (L.S.)
L.M. (L.S.)

(B.)

Order of Detention.

to wit. } To the Constable of , and to the Keeper of the [*Prison*] at in the said [*County*] of .

Whereas *A.B.*, late of [*Labourer*], under the Age of Sixteen Years, to wit, of the Age of [*Thirteen*] Years, was this Day duly

duly convicted before the undersigned, Two of Her Majesty's Justices of the Peace in and for the said [*County*] of , for that [*&c., stating the Offence as in the Conviction*], and it was thereby adjudged that the said *A.B.*, for his said Offence, should be imprisoned in the [*Prison*] at in the said [*County*], [*and be there kept to Hard Labour*] for the Space of ; and in pursuance of The Reformatory Schools Act, 1866, the said *A.B.* was thereby sentenced to be sent, at the Expiration of the Term of Imprisonment aforesaid, to the Reformatory School at in the County of (the Managers whereof are willing to receive him therein), [*or* to some certified Reformatory School to be before the Expiration of the said Term named in that Behalf] and to be there detained for the Period of commencing from and after the Day of [*the Date of the Expiration of the Sentence*]: These are therefore to command you, the said Constable of , to take the said *A.B.*, and him safely convey to the [*Prison*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept: And we do hereby command you, the said Keeper of the said [*Prison*], to receive the said *A.B.* into your Custody in the said [*Prison*], there to imprison him [*and keep him to Hard Labour*] for the Space of : [And we further command you, the said Keeper, to send the said *A.B.* at the Expiration of his Term of Imprisonment aforesaid as and in the Manner directed by The Reformatory Schools Act, 1866, to the Reformatory School at aforesaid [*or* to the Reformatory School named by an Order indorsed hereon under the Hands and Seals of us, or of Two others of Her Majesty's Justices of the Peace for the said *County*], together with this Order:] And for so doing this shall be your sufficient Warrant.

Given under our Hands and Seals, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)
L.M. (L.S.)

(C.)

Nomination of School indorsed on the Order of Detention.

In pursuance of The Reformatory Schools Act, 1866, we, the undersigned, Two of Her Majesty's Justices of the Peace for the [*County*] of hereby name the Reformatory School at in the County of as the School to which the within-named *A.B.* is to be sent as within

within provided [*add where required* in lieu of the School within (*or* above) named].

Given under our Hands and Seals, this Day of at in the County of .

E.F. (L.S.)
G.H. (L.S.)

(D.)

Complaint for enforcing in England Contribution from Parent, &c.

to wit. } The Complaint of the Inspector of Reformatory Schools [*or as the Case may be*] made to us, the undersigned, Two of Her Majesty's Justices of the Peace for the said County of , this Day of at in the same County, who says, That one *A.B.* of (*) the Age of Years, or thereabouts, is now detained in the Reformatory School at in the County of , under The Reformatory Schools Act, 1866, and has been duly ordered and directed to be detained therein until the Day of : That one *C.B.*, dwelling in the Parish of in the County of is the Parent [*or* Step-parent, &c.] of the said *A.B.*, and is of sufficient Ability to contribute to the Support and Maintenance of the said *A.B.*, his Son : (*) The said Complainant therefore prays that the said *C.B.* may be summoned to show Cause why an Order should not be made on him so to contribute.

Exhibited before us, *C.D.*
J.S.
L.M.

(E.)

Summons to Parent, &c.

(*This will be in Form* (A.) *in Schedule to* 11 *&* 12 *Vict.* c. 43.)

(F.)

Order on Parent, &c. to contribute a Weekly Sum.

to wit. } Be it remembered, That on this Day of at in the said [*County*] of a certain Complaint of the Inspector of Reformatory Schools [*or as the Case may be*], for that one *A.B.* of, *&c.* [*stating the Cause of Complainant, as in the Form* (D.) *between the Asterisks* (*) (*)], was

was duly heard by and before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said [*County*] of (in the Presence and Hearing of the said *C.B.*, *if so, or* the said *C.B.* not appearing to the Summons duly issued and served in this Behalf); and we, having duly examined into the Ability of the said *C.B.*, and on Consideration of all the Circumstances of the Case, do order the said *C.B.* to pay to the said Inspector [*or* to an Agent of the said Inspector] the Sum of Shillings per Week from the Date of this Order until the Day of , the same to be paid at the Expiration of each [Twenty-eight, *or, as the Case may be*, Days].

Given under our Hands and Seals, the Day and Year first above mentioned, at in the [*County*] aforesaid.

J.S. (L.S.)

L.M. (L.S.)

(G.)

Distress Warrant for Amount in arrear.

to wit. } To the Constable of , and to all other Peace Officers in the said [*County*] of

WHEREAS on the Hearing of a Complaint made by the Inspector of Reformatory Schools, [*or as the Case may be,*] that *A.B.* of, *&c.* [*stating the Cause of Complaint as in the Form* (G.) *between the Asterisks* (*) (*)], an Order was made on the Day of by us, the undersigned [*or* by *L.M.* and *J.H.*], Two of Her Majesty's Justices of the Peace in and for the said [*County*] of against the said *C.B.*, to pay to the said Inspector [*or as the Case may be*] the Sum of per Week from the Date of the said Order until the Day of , the same to be paid at the Expiration of each [*Twenty-eight*] Days [*or as the Case may be*] (*): And whereas there is due upon the said Order the Sum of being for [*Three*] Periods of [*Twenty-eight*] Days each, and Default has been made therein for the Space of Fourteen Days:

These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *C.B.*, and if within the Space of [*Five*] Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, is not paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to the Clerk of the Justices of the Peace for the of that he may pay and apply the same as by Law directed, and may render the Overplus (if any), on Demand, to the said *C.B.*; and if

no such Distress can be found, then that you certify the same to us, to the end that such Proceedings may be had therein as the Law requires.

Given under our Hands and Seals, this Day of at in the [*County*] aforesaid.

J.S. (L.S.)
L.M. (L.S.)

(H.)

Commitment in default of Distress.

to wit. } To the Constable of and to the Keeper of the [*Prison*] at in the said [*County*] of .

WHEREAS [*&c., as in the last Form* (G.) *to the single Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of last, I, the undersigned, together with *L.M.*, Esquire, [*or J.S.* and *L.M.*, Esquires,] Two of Her Majesty's Justices of the Peace in and for the said [*County*] of , issued a Warrant to the Constable of aforesaid, commanding him to levy the Sum of due upon the said recited Order, being for [*Three*] Periods of [*Twenty-eight*] Days, by Distress and Sale of the Goods and Chattels of the said *C.B.*: And whereas a Return has this Day been made to me the said Justice [*or* the undersigned, One of Her Majesty's Justices of the Peace in and for the said [*County*] of], that no sufficient Goods of the said *C.B.* can be found:

These are therefore to command you, the said Constable of , to take the said *C.B.*, and him safely to convey to the [*Prison*] at aforesaid, and there deliver him to the Keeper thereof, together with this Precept: And I do hereby command you, the said Keeper of the said [*Prison*], to receive the said *C.D.* into your Custody in the said [*Prison*], there to imprison him for the Term of , unless the said Sum, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *C.D.* to the said [*Prison*], amounting to the further Sum of , shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of in the Year of our Lord , at in the [*County*] aforesaid.

J.S. (L.S.)

Reformatory Schools.

A

BILL

[AS AMENDED IN COMMITTEE]

To consolidate and amend the Acts relating to Reformatory Schools in Great Britain.

(Prepared and brought in by Mr. Knatchbull-Hugessen and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 11 *June* 1866.

[Bill 184.]

Under 3 *oz.*

Representation of the People Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preamble.

Preliminary.

1. Short Title of Act.
2. Application of Act.
3. Interpretation of Terms.

County and Borough Franchises.

4. Occupation Franchise for Voters in Counties.
5. Occupation Franchise for Voters in Boroughs.
6. Succession and joint Occupation.
7. Lodger Franchise for Voters in Boroughs.
8. Savings Bank Franchise for Voters in Counties and Boroughs.

Regulations as to Rating.

9. Regulations as to Rate Book.

Registration of Voters.

10. Regulations as to Registration.
11. New Rights of Voting, when to take effect.
12. Refusal of Certificate in case of Deposit in Savings Bank.
13. Offences in respect of false Certificate.

Amendments and Repeal of Acts.

14. All Election Laws to remain in force except where superseded by this Act.
15. County Vote when retained in respect of Property in a Borough.
16. Persons employed in Arsenals, Dockyards, and Government Yards incapable of voting for Places where so employed.
17. Power to inspect Rate Books.
18. Polling Booths at which Depositors in Savings Banks are to vote.
19. Repeal of certain Enactments.

Saving Clause.

20. Saving of existing Registers.

SCHEDULE.

A

B I L L

TO

Extend the Right of Voting at Elections of Members of Parliament in England and Wales.

WHEREAS it is expedient to extend the Right of Voting at Elections of Members of Parliament for Counties, Cities, and Boroughs in England and Wales: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited for all Purposes as "The Franchise Act, 1866." Short Title of Act.

2. This Act shall not apply to Scotland or Ireland, or to the University of Oxford or Cambridge. Application of Act.

3. The following Terms shall in this Act have the Meanings herein-after assigned to them, unless there is something in the Context repugnant to such Construction; (that is to say,) Interpretation of Terms.

"Month" shall mean Calendar Month: "Month."

"Member:" "Member" shall include a Knight of the Shire:

"County:" "County" shall not include a County of a City or County of a Town, but shall extend to and mean any County, Riding, Parts or Division of a County, returning a Member or Members to serve in Parliament:

"Borough:" "Borough" shall extend to and mean any Borough, City, Place, or Combination of Places, not being a County as hereinbefore defined, returning a Member or Members to serve in Parliament, and shall include every Place sharing in the Election of a Member for a Borough:

"Clear yearly Value:" "Clear yearly Value," as applied to any Premises, shall mean a Sum equal in Amount to the Rent a Tenant might reasonably be expected to pay by the Year for such Premises if let to him, he undertaking to pay all usual Tenant's Rates and Taxes, and Tithe Commutation Rentcharge (if any), but no Deductions being made in respect of the probable annual average Cost of Repairs, Insurance, and other Expenses, if any, necessary to maintain the Premises in a State to command such Rent; and for the Purposes of this Act the gross estimated Rental for the Time being of any Premises, as ascertained for the Purposes of the Poor Rate, shall, until the contrary is proved, be deemed to be the clear yearly Value of such Premises:

Registration Acts. "The Registration Acts" shall mean the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, and the Act of the Twenty-eighth Year of the Reign of Her present Majesty, Chapter Thirty-six, and any other Acts or Parts of Acts relating to the Registration or Qualification of Persons entitled to vote at the Election of Members to serve in Parliament for England and Wales.

County and Borough Franchises.

Occupation Franchise for Voters in Counties. 4. Every Man shall be entitled to be registered as a Voter, and when registered to vote for a Member or Members to serve in Parliament for a County, who is qualified as follows; that is to say,

1. Is of full Age, and not subject to any legal Incapacity; and
2. Is on the last Day of July in any Year, and has during the Twelve Months immediately preceding, been the Occupier, as Owner or Tenant, of Premises of any Tenure within the County of a clear yearly Value of Fourteen Pounds or upwards:
3. The qualifying Premises must consist of a House or other Building which, either alone or with Land held by the Occupier in

in the County, is of the Value aforesaid, with this Proviso, that where the Premises consist partly of a House or other Building and partly of Land, the Building must either be the Dwelling House of the Occupier, or must itself be of a clear yearly Value of Six Pounds or upwards: And

4. Where the Occupier is Tenant of the qualifying Premises the whole must be held under the same Landlord.

Occupation Franchise for Voters in Boroughs.

5. Every Man shall be entitled to be registered as a Voter, and when registered to vote for a Member or Members to serve in Parliament for a Borough, who is qualified as follows:

1. Is of full Age, and not subject to any legal Incapacity; and
2. Is on the *last Day of July* in any Year, and has during the *Twelve Months* immediately preceding, been the Occupier, as Owner or Tenant, of Premises of any Tenure within the Borough of a clear yearly Value of *Seven Pounds* or upwards;
3. The qualifying Premises must consist of a House or other Building which, either alone or with Land held by the Occupier within the Borough, is of the Value aforesaid, with this Proviso, that where the Premises consist partly of a House or other Building, and partly of Land, the Building must either be the Dwelling House of the Occupier, or must itself be of a clear yearly Value of *Three Pounds* or upwards; and
4. Where the Occupier is Tenant of the qualifying Premises the whole must be held under the same Landlord; and
5. The Occupier must have resided in the Borough, or within *Seven* Statute Miles of some Part of the Borough, for the *Six Months* immediately preceding the said last Day of July in such Year.

Succession and joint Occupation.

6. Different Premises occupied in succession by any Person as Owner or Tenant shall have the same Effect in qualifying such Person to vote for a County or Borough as the continued Occupation of the same Premises, and where Premises are in the joint Occupation of several Persons as Owners or Tenants, and the aggregate Value of such Premises is such as, estimated according to this Act, and divided amongst the several Occupiers, would, so far as the Value is concerned, confer on each of them a Vote, then each of such joint Occupiers shall, if otherwise qualified, and subject to the Conditions of this Act, be entitled to be registered as a Voter, and when registered to vote at an Election for any County or Borough.

Lodger Franchise for Voters in Boroughs.

7. Every Man shall be entitled to be registered as a Voter, and when registered to vote for a Member or Members to serve in Parliament for a Borough, who is qualified as follows; (that is to say,)

1. Is of full Age, and not subject to any legal Incapacity; and
2. Is on the *First Day of July* in any Year the Occupier of Lodgings within the Borough, and during the *Twelve Months* immediately preceding has been in the Occupation of the same Lodgings, such Lodgings being Part of a Dwelling House, and of a clear yearly Value, if let unfurnished, of *Ten Pounds* or upwards; and
3. Has resided in such Lodgings during the *Six Months* immediately preceding the said *First Day of July;* and has on or before the *Twentieth Day of July* in each Year claimed to be registered as a Voter at the next ensuing Registration of Voters.

Savings Bank Franchise for Voters in Counties and Boroughs.

8. Every Man shall be entitled to be registered as a Voter, and when registered to vote at the Election of a Member or Members to serve in Parliament for a County or Borough, who is qualified as follows; that is to say,

1. Is of full Age, and not subject to any legal Incapacity; and
2. Has resided in such County or Borough for a Period of *Six Months* immediately preceding the *First Day of July* in any Year, and for the *Two Years* immediately preceding the said *First Day of July* has kept a Balance of not less than *Fifty Pounds* deposited in some Savings Bank in his own Name and for his own Use; and
3. Has on or before the *Twentieth Day of July* in each Year claimed to be registered as a Voter at the next ensuing Registration of Voters.

Regulations as to Rating.

Regulations as to Rate Book.

9. In every Rate made for the Relief of the Poor the following Rules shall be observed; (that is to say,)

1. Every House or other Set of Premises occupied by a different Person as Owner or Tenant shall be entered separately in the Rate Book, whether the Owner is or is not assessed to, or has or has not compounded for, the Rate payable in respect of such Premises, and in every Case the gross estimated Rental as well as the rateable Value of the Premises and the Name of the Person occupying as Owner or Tenant shall be specified:

2. Where

2. Where a House or other Building forms Part of any Premises hereby required to be separately entered, the Rate Book shall, in describing the Premises, specify the Fact of there being such House or other Building:

3. For the Purposes of this Section, Persons occupying jointly as Owners or Tenants shall be dealt with as if they were One Occupier, with this Difference, that the Names of all such Occupiers shall be stated, with the Addition that they are joint Occupiers:

4. Every Rate made for the Relief of the Poor shall, in addition to any other Particulars which the Form of making out such Rate may require to be set forth, contain an Account of every Particular set forth in the Form marked A. in the Schedule to this Act annexed, so far as the same can be ascertained.

Registration of Voters.

Regulations as to Registration.

10. The following Regulations shall be observed with respect to the Registration of Voters:—

1. The Overseers of every Parish or Township shall make out or cause to be made out a List of all Persons on whom a Right to vote in respect of the Occupation of Premises is conferred by this Act, in the same Manner and subject to the same Regulations as nearly as Circumstances admit in and subject to which the Overseers of Parishes and Townships in Boroughs are required by the Registration Acts to make out or cause to be made out a List of all Persons entitled to vote for a Member or Members of a Borough in respect of the Occupation of Premises of the clear yearly Value of not less than Ten Pounds:

2. In Boroughs the Claim of every Person desirous of being registered as a Voter for a Member or Members to serve for such Borough in respect of the Occupation of Lodgings shall be in the Form marked B. in the said Schedule, and have annexed thereto a Declaration in the Form and be certified in manner in the said Schedule mentioned, or as near thereto as Circumstances admit:

3. The Claim of any Person desirous of being registered as a Voter for a Member or Members to serve for any County or Borough in respect of a Qualification as a Depositor in a Savings Bank shall be in the Form marked C. in the said Schedule, or as near thereto as Circumstances admit, but no such Claim shall be received by the Overseers unless it have annexed thereto a Certificate in the Form marked D. in the said Schedule, or as near thereto as Circumstances admit,

admit, and signed, in the Case of a Post Office Savings Bank, by some Officer authorized to sign the same by the Postmaster General, and in the Case of any other Savings Bank by Two of the Trustees or Managers of such Savings Bank, or by some Officer authorized by them:

4. The Overseers in Counties and Boroughs shall annually give Notice requiring every Person claiming to be registered in respect of a Qualification to vote as a Lodger or as a Depositor in a Savings Bank to send in his Claim to them, such Notice to be given in the same Manner, so far as Circumstances admit, in which Overseers in Counties give Notice under the Law now in force to Persons desirous of being placed on the List of County Voters requiring such Persons to send in their Claims to the Overseers:

5. Upon the Receipt of a Claim by a Person claiming to be registered as a Lodger, having annexed thereto such Declaration and certified as aforesaid, or of a Claim accompanied by such Certificate as aforesaid, on the Part of a Person claiming to be registered as a Depositor in a Savings Bank, the Overseers may make all such Objections to the Claim so made as Overseers in Counties are empowered to make in receiving Claims of Voters, but, subject thereto, shall place the Claimant on the List of Voters for the Parish or Township in which the Residence of the Voter is situate:

6. All the Provisions of the Registration Acts, shall apply to Voters on whom the Franchise is conferred by this Act, in the same Manner in all respects, so far as is practicable, as they apply to the Voters in the said Acts mentioned:

7. All Precepts, Notices, Lists of Voters, Registers of Voters, Instruments, and Proceedings relating to the Registration of Voters, shall be altered, framed, and expressed in such Manner as may be necessary for carrying into effect the Provisions of this Act.

New Rights of Voting, when to take effect.

11. Every Person on whom a Right of voting at an Election of a Member or Members for a County or Borough is conferred by this Act shall, subject to the Conditions affecting his Right to be registered in any Year, be entitled to be registered in any Register of Voters to be formed for such County or Borough subsequently to the *Tenth Day of June*, which first happens after the *passing of this Act*, and shall be entitled to vote at any Election of a Member or Members for such County or Borough which may take place after the Formation of such Register.

12. If

Refusal of Certificate in Case of Deposit in Savings Bank.

12. If any Person whose Certificate is required under this Act in support of the Claim of a Person to vote in respect of a Qualification as Depositor in a Savings Bank wilfully refuses to give such Certificate, he shall, on summary Conviction, be liable to a Penalty not exceeding *Five Pounds*.

Offences in respect of false Certificates.

13. If any Person is guilty of any of the following Offences, that is to say,

1. Wilfully gives any Certificate required by this Act falsely;
2. Forges, counterfeits, or alters any such Certificate or any Signature thereto;
3. Knowingly makes use of, in support of a Claim to vote, any false Certificate, or any forged, counterfeited, or altered Certificate;
4. Wilfully makes any false Statement in any Claim or makes any false Declaration in respect of any Claim made under the Provisions of this Act,

Such Person shall be guilty of a Misdemeanor, and on being convicted thereof shall be liable to Imprisonment with Hard Labour for a Term not exceeding *Two Years*.

Amendment and Repeal of Acts.

All Election Laws to remain in force, except where superseded by this Act.

14. Subject to the Provisions of this Act, all Laws, Statutes, Usages, Provisions, and Penalties now in force respecting the Registration of Voters and Election of Members to serve in Parliament for England and Wales, shall be and remain in full Force, and apply to any Persons acquiring or seeking to acquire a Vote under this Act.

County Vote when retained in respect of Property in a Borough.

15. Sections Twenty-four and Twenty-five of the Act of the Second Year of King William the Fourth, Chapter Forty-five, shall be repealed, and in place thereof be it enacted, No Person shall be entitled to be registered as a Voter for a County Member or Members in respect of any Premises situate in a Borough, if he would be entitled to be registered in respect of such Premises as a Voter for a Member or Members of Parliament to serve for such Borough.

Persons employed in Arsenals, Dockyards, and Government Yards incapable of voting for Places where so employed.

16. No Person employed in any Government Arsenal, Dockyard, or Yard, or in any Factory connected with Her Majesty's Army or Navy, shall be capable of voting at any Election of Members for the County or Borough within which such Arsenal, Dockyard, Yard, or Factory is situate during the Time that he is so employed, and for *Two Months* after he has quitted such Employment; and the Vote of such Person, if given, shall be void, notwithstanding

that the Name of such Person may have been inserted in the Register in force at the Time of such Election.

Power to inspect Rate Books.

17. The Power of inspecting and making Extracts from Rate Books given by the Sixteenth Section of the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, to any Person whose Name is on any List of Voters for the Time being for any City or Borough, or who claims to have his Name inserted in any such List, shall extend and be exercised to or by any Person whose Name is on any List of Voters for the Time being for any County, or to or by any Person who claims to have his Name inserted in such List.

Polling Booths at which Depositors in Savings Banks are to vote.

18. Every Person claiming to vote as a Depositor in a Savings Bank shall vote at the Booth at which he would vote if he were registered as a Voter in respect of Property situate in the Parish, Township, or Place in which he resides.

Repeal of certain Enactments.

19. There shall be repealed—

1. The whole of the Act of the Session of the Eleventh and Twelfth Years of Her present Majesty, Chapter Ninety, intituled "An Act to regulate the Times of Payments of "Rates and Taxes by Parliamentary Electors;" and all other Enactments now in force which require, as a Condition of the Registration in any Year of any Voter, or of his Title to vote, that he should have paid any Rates or Taxes; or direct Overseers to give public Notice as to the Payment of Rates and Taxes by Occupiers of Premises; or provide that the Assessors or Collectors of Taxes are to deliver to the Overseers a List of Persons in arrear of Taxes payable as therein mentioned;
2. So much of the Seventy-ninth Section of the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, as relates to the Residence of Voters at the Time at which they give their Votes; and any other Enactments that are inconsistent with this Act.

Saving Clause.

Saving of existing Registers.

20. Nothing herein contained shall affect the Right which any Person may have acquired of voting at the Election of a Member or Members to serve in Parliament for a County or Borough in pursuance of any Register of Voters in force at the Time of the passing of this Act, so long as such Voter retains the Qualification in respect of which he is registered at the Time of the passing of this Act.

SCHE-

SCHEDULE.

FORM A.

AN ASSESSMENT for the Relief of the Poor of the Parish of Saint Mary's in the City of Carlisle, and for other Purposes chargeable thereon according to Law, made this Twenty-fifth Day of March in the Year of our Lord One thousand eight hundred and sixty-six, after the Rate of One Shilling in the Pound.

No.	Arrears.		Rate.								
	Due, or if excused.	If excused, write the Word "Excused."	Name of Occupier.	Name of Owner.	Description of Property rated.	Name or Situation of Property.	Estimated Extent.	Gross Estimated Rental.	Rateable Value.	Rate at 1s. in the £.	Amount of Rate assessed upon and payable by the Owner instead of the Occupier by virtue of the Statute or Statutes in that Behalf.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
	£ s. d.						A. R. P.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1			James Smith -	John Green -	House - -	Tower Street -	—	30 0 0	25 0 0	1 5 0	—
2			William Jones -	William Fisher -	Warehouse -	Fisher Street -	—	24 0 0	20 0 0	1 0 0	—
3			Henry Parker -	William Fisher -	Building and Land	Browns Lane -	2 0 0	7 10 0	6 15 0	0 6 9	—
4			Moses White -	Abel Turner -	House - -	North Street -	—	7 10 0	6 0 0	0 6 0	0 4 6

FORM B.

CLAIM OF LODGER.

Borough of

To the Overseers of the Parish [*or* Township] of

I hereby claim to be inserted in the List of Voters in respect of the Occupation of the under-mentioned Lodgings, and the Particulars of my Qualification are stated in the Columns below:

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

I the above-named hereby declare that I was [*or* am] on the First Day of July in this Year, and have been during the Twelve Months immediately preceding, the Occupier of the above-mentioned Lodgings, and that I have resided therein during the Six Months immediately preceding the said First Day of July, and that such Lodgings are of a clear yearly Value, if let unfurnished, of Ten Pounds or upwards.

Dated the Day of

Signature of Claimant _____

Witness to the Signature of the said _____

And I certify my Belief in the Accuracy of the above Claim. _____

Name of Witness _____

Residence and Calling _____

This Claim must bear Date the First Day of July or some Day subsequent thereto, and must be delivered to the Overseer on or before the Twentieth Day of July.

FORM

Form C.

Claim in respect of Deposit in Savings Bank.

County of
or
City [*or* Borough] of

To the Overseers of the Parish [*or* Township] of .

I hereby claim to be inserted in the List of Voters as a Depositor in a Savings Bank, and the Particulars of my Place of Abode and Qualification are stated in the Columns below:

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Place of Abode, with Number of House, Name of Street, &c. (if any).	Nature and Particulars of Qualification.	Number of Certificate annexed. *a*
			Depositor in the Savings Bank of	

a Insert the distinguishing Number of the annexed Certificate.

This Claim must bear Date the First Day of July or some Day subsequent thereto, and must be delivered to the Overseer, with the Certificate annexed, on or before the Twentieth Day of July.

FORM D.

CERTIFICATE OF DEPOSIT IN SAVINGS BANKS.

Certificate No. .

We, the undersigned, [being Two of the Trustees [*or* Managers] of the Savings Bank,] *or* [I, the undersigned, being an Officer appointed and authorized by the Trustees [*or* Managers] of the Savings Bank for that Purpose,] *or* [I, the undersigned, being an Officer appointed by Her Majesty's Post-master-General], do hereby certify that of has a Sum of not less than £50 deposited in the said Bank, and that he has had not less than such Amount so deposited in the said Bank for the Two Years immediately preceding the First Day of July in this present Year.

Dated the Day of 18 .

Signature and Description of Persons signing - } _____

Official Address _____

NOTE.—The Officers by whom these Certificates are granted must insert a distinguishing Number to each Certificate.

The Certificate must be issued on or subsequently to the First Day of July, and must be delivered to the Overseer, with the Claim, on or before the Twentieth Day of July.

Representation of the People.

A

BILL

To extend the Right of Voting at Elections of Members of Parliament in England and Wales.

(*Prepared and brought in by Mr. Chancellor of the Exchequer, Sir George Grey, and Mr. Villiers.*)

Ordered, by The House of Commons, *to be Printed*, 13 *March* 1866.

[Bill 68.]

Under 2 *oz.*

Representation of the People (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

Clauses.

1. Short Title of Act.
2. Application of Act.
3. Interpretation of Terms: "Month;" "Member;" "County;" "Borough;" "Chief Borough;" "Contributory Borough;" "Municipal Borough;" "Registration Acts;" "Lord Lieutenant in Council;" "Town Clerk."

County Franchise.

4. Payment of Rates not required to entitle Persons to be registered and vote at County Election.

Borough Franchise.

5. Occupation Franchise in Boroughs reduced to Six Pounds.
6. Payment of Rates not required to entitle Persons to be registered and to vote at Borough Election.

Lodger and Savings Bank Depositors Franchise.

7. Lodger Franchise for Voters in Boroughs.
8. Savings Bank Franchise for Voters in Counties and Boroughs.
9. Regulations as to Registration.
10. New Rights of Voting, when to take effect.
11. Refusal of Certificate in case of Deposit in Savings Bank.
12. Offences in respect of false Certificates.
13. Polling Booths at which Depositors in Savings Banks are to vote.

Freemen.

14. Provision as to Freemen.

Districts of Boroughs.

15. Boroughs named in Schedule (B.) to be united into Districts of Boroughs, each District returning One Member.

Additional Members to certain Constituencies.

16. County of Cork and City of Dublin to have each One additional Member.

Queen's University in Ireland.

Clauses.

17. Queen's University to return One Member.
18. Persons entitled to vote in Queen's University.
19. Registration of Graduates of the Queen's University in Ireland.
20. Vice Chancellor of Queen's University to be Returning Officer.
21. Elections for Queen's University to be within Six Days after Receipt of Writ, Three clear Days Notice being given.
22. Polling at Queen's University may continue Three Days.
23. Electors to vote by means of Voting Papers as under Stat. 24 & 25 Vict. c. 53.

New Boroughs proposed to be added to existing Boroughs.

24. Towns in Schedule (C.) to be added to existing Boroughs, and form Districts of Boroughs returning One Member.
25. No Persons to have Votes for Counties in respect of Lands situate within the Boundaries of Boroughs.
26. Boundaries of Towns constituted Boroughs to form Part of Districts of Boroughs.

Assimilation of Parliamentary and Municipal Boundaries.

27. Parts within Municipal and outside Parliamentary Bounds included in Parliamentary Boundaries of Boroughs.
28. Extensions of Boundaries of Towns for Municipal Purposes to be within Boroughs.

Registration of Voters.

29. Clerk of Town Commissioners to be Town Clerk under Registration Acts.
30. Provisions of Registration Acts to apply to new Boroughs.

Regulations respecting Districts of Boroughs.

31. Regulations as to Groups of Boroughs.
32. Existing Election Laws to apply to new Boroughs.
33. Certain Provisions of the 13 & 14 Vict. c. 68. to apply to Boroughs in Districts other than Chief Boroughs in like Manner as to such Boroughs.
34. Writs, &c. to be made conformable to this Act.
35. Precepts and Notices, &c. to be adapted to this Act.
36. Schedules to be Part of Act.

SCHEDULES.

A

B I L L

TO

Amend the Representation of the People in Ireland.

WHEREAS it is expedient to extend the Right of Voting at Elections of Members of Parliament for Counties and Boroughs in Ireland, and to amend the Laws relating to the Representation of the People in Ireland: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited for all Purposes as "The Franchise (Ireland) Act, 1866." Short Title of Act.

2. This Act shall apply to Ireland only. Application of Act.

3. The following Terms in this Act have the Meanings hereinafter assigned to them, unless there is something in the Context repugnant to such Construction; (that is to say,) Interpretation of Terms.

"Month" means Calendar Month: "Month:"

"Member:" "Member" includes a Knight of the Shire:

"County:" "County" does not include a County of a City or County of a Town:

"Borough:" "Borough" extends to and means every County of a City and County of a Town and every Town returning or united with other Boroughs in returning a Member or Members to serve in Parliament:

"Chief Borough:" "Chief Borough" means the Borough which in a District of Boroughs gives the Name to the District:

"Contributory Borough:" "Contributory Borough" means a Borough in a District of Boroughs other than the Chief Boroughs:

"Municipal Borough" "Municipal Borough" shall mean any Borough under a Town Council:

"Registration Acts:" "The Registration Acts" mean the Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Seventy-nine, and all other Acts or Parts of Acts relating to the Registration or Qualification of Persons entitled to vote at the Election of Members to serve in Parliament for Ireland, as amended by this Act:

"Lord Lieutenant in Council:" "The Lord Lieutenant in Council" means the Lord Lieutenant or other Chief Governor or Governors of Ireland, acting by and with the Advice of Her Majesty's Privy Council in Ireland:

"Town Clerk." "Town Clerk" means, in Towns having a Town Council, the Town Clerk; in Towns under the Provisions of the Towns Improvement (Ireland) Act, 1854, the Clerk of the Town Commissioners; in Towns under the Statute passed in the Ninth Year of the Reign of King George the Fourth, Chapter Eighty-two, the Clerk of the Paving, Lighting, and Cleansing Commissioners; in Towns under Improvement or Municipal Commissioners, the Clerk to such Commissioners, and in Towns under none of the Authorities as before mentioned, the Collector of the Grand Jury Cess.

County Franchise.

Payment of Rates not required to entitle Persons to be registered and vote at County Election.

4. So much of the Registration Acts as requires the Payment of Poor Rates, as a Qualification to entitle a Person otherwise qualified to be registered as a Voter and to vote at any Election of a Knight of the Shire in Ireland, shall be and the same is hereby repealed.

Borough Franchise.

Occupation Franchise in Boroughs reduced to Six Pounds.

5. The Occupation of Lands, Tenements, or Hereditaments rated at the net annual Value of *Six Pounds or upwards* shall, for the Purpose of qualifying any Person to register and vote at any Election of a Member or Members to serve in Parliament for any Borough

Borough in Ireland to be held after the *passing of this Act*, have the same Effect as the Occupation of Lands, Tenements, and Hereditaments rated at the annual Value of Eight Pounds had before the passing of this Act; and in all Provisions relating to such Occupation, Registration, or Voting, and in all Lists, Returns, Precepts, Notices, or other Forms made or issued in pursuance of the Provisions of the said Acts, the Words "*Six Pounds*" shall, when necessary, be substituted for the Words "Eight Pounds."

Payment of Rates not required to entitle Persons to be registered and to vote at Borough Election.

6. So much of the Registration Acts as requires the Payment of Poor Rates as a Qualification to entitle a Person otherwise qualified to be registered as a Voter and to vote at any Election of a Member or Members to serve in Parliament for any Borough in Ireland, shall be and the same is hereby repealed.

Lodger and Savings Bank Depositors Franchise.

Lodger Franchise for Voters in Boroughs.

7. Every Man shall be entitled to be registered as a Voter, and when registered to vote for a Member or Members to serve in Parliament for a Borough, who is qualified as follows; (that is to say,)

1. Is of full Age, and not subject to any legal Incapacity; and
2. Is on the *First Day of July* in any Year the Occupier of Lodgings within the Borough, and during the *Twelve Months* immediately preceding has been in the Occupation of the same Lodgings, such Lodgings being Part of a Dwelling House, and of a clear yearly Value, if let unfurnished, of *Ten Pounds* or upwards; and
3. Has resided in such Lodgings during the *Six Months* immediately preceding the said *First Day of July*; and has on or before the *Twentieth Day of July* in each Year claimed to be registered as a Voter at the next ensuing Registration of Voters.

Savings Bank Franchise for Voters in Counties and Boroughs.

8. Every Man shall be entitled to be registered as a Voter, and when registered to vote at the Election of a Member or Members to serve in Parliament for a County or Borough, who is qualified as follows; (that is to say,)

1. Is of full Age, and not subject to any Legal Incapacity; and
2. Has resided in such County or Borough for a Period of *Six Months* immediately preceding the *First Day of July* in any Year, and for the *Two Years* immediately preceding the said *First Day of July* has kept a Balance of not less than *Fifty Pounds* deposited in some Savings Bank in his own Name and for his own Use; and
3. Has on or before the *Twentieth Day of July* in each Year claimed to be registered as a Voter at the next ensuing Registration of Voters.

Regulations as to Registration.

9. The following Regulations shall be observed with respect to the Registration of Persons claiming to be registered in respect of the Occupation of Lodgings, and in respect of a Qualification as Depositors in a Savings Bank:

1. In Boroughs the Claim of every Person desirous of being registered as a Voter for a Member or Members to serve for such Borough in respect of the Occupation of Lodgings shall be in the Form No. 1 in Schedule (A.), and have annexed thereto a Declaration in the Form and be certified in manner in the said Schedule mentioned, or as near thereto as Circumstances admit:

2. The Claim of any Person desirous of being registered as a Voter for a Member or Members to serve for any County or Borough in respect of a Qualification as a Depositor in a Savings Bank shall be in the Form No. 2 in the said Schedule, or as near thereto as Circumstances admit, but no such Claim shall be received by the Town Clerk or Clerk of the Peace, as the Case may be, unless it have annexed thereto a Certificate in the Form No. 3 in the said Schedule, or as near thereto as Circumstances admit, and signed, in the Case of a Post Office Savings Bank, by some Officer authorized to sign the same by the Postmaster General, and in the Case of any other Savings Bank by Two of the Trustees or Managers of such Savings Bank, or by some Officer authorized by them:

3. The Clerks of the Peace in Counties and the Town Clerks in Boroughs shall annually give Notice requiring every Person claiming to be registered in respect of a Qualification to vote as a Lodger or as a Depositor in a Savings Bank to send in his Claim to them, such Notice to be given in the same Manner, so far as Circumstances admit, in which Clerks of the Peace in Counties give Notice under the Law now in force to Persons desirous of being placed on the List of County Voters requiring such Persons to send in their Claims to such Officers respectively:

4. Upon the Receipt of a Claim by a Person claiming to be registered as a Lodger, having annexed thereto such Declaration and certified as aforesaid, or of a Claim accompanied by such Certificate as aforesaid, on the Part of a Person claiming to be registered as a Depositor in a Savings Bank, the Clerks of the Peace in Counties and the Town Clerks in Boroughs may make all such Objections to the Claim so made as Clerks of the Peace in Counties are empowered to make in receiving Claims of Voters, but, subject thereto, shall place the Claimant

Claimant on the List of Voters for the Barony of the County or Ward of the Borough, as the Case may be, in which the Residence of the Voter is situate:

5. All the Provisions of the Registration Acts shall apply to Voters on whom the Franchise is conferred by this Act, in the same Manner in all respects, so far as is practicable, as they apply to the Voters in the said Acts mentioned:

New Rights of Voting, when to take effect.

10. Every Person on whom a Right of voting at an Election of a Member or Members for a County or Borough is conferred by this Act shall, subject to the Conditions affecting his Right to be registered in any Year, be entitled to be registered in any Register of Voters to be formed for such County or Borough subsequently to the *Tenth Day of June*, which first happens after the *passing of this Act*, and shall be entitled to vote at any Election of a Member or Members for such County or Borough which may take place after the Formation of such Register.

Refusal of Certificate in case of Deposit in Savings Bank.

11. If any Person whose Certificate is required under this Act in support of the Claim of a Person to vote in respect of a Qualification as Depositor in a Savings Bank wilfully refuses to give such Certificate, he shall, on summary Conviction, be liable to a Penalty not exceeding *Five Pounds*.

Offences in respect of false Certificates.

12. If any Person is guilty of any of the following Offences, that is to say,

1. Wilfully gives any Certificate required by this Act falsely;
2. Forges, counterfeits, or alters any such Certificate or any Signature thereto;
3. Knowingly makes use of, in support of a Claim to vote, any false Certificate, or any forged, counterfeited, or altered Certificate;
4. Wilfully makes any false Statement in any Claim or makes any false Declaration in respect of any Claim made under the Provisions of this Act,

Such Person shall be guilty of a Misdemeanor, and on being convicted thereof shall be liable to Imprisonment with Hard Labour for a Term not exceeding *Two Years*.

Polling Booths at which Depositors in Savings Banks are to vote.

13. Every Person claiming to vote as a Depositor in a Savings Bank shall vote at the Booth at which he would vote if he were registered as a Voter in respect of Property situate in the Barony or Ward in which he resides.

Freemen.

Provision as to Freemen.

14. No Person who after the *First Day of March One thousand eight hundred and sixty-six* is elected, made, or admitted a Freeman of any Borough returning a Member or Members to Parliament, otherwise than in respect of Birth or Servitude, shall be entitled as such to be registered as a Voter or to vote at any Election of a Member or Members for any such Borough, and no Person after *the passing of this Act* shall be entitled to be registered as a Voter or to vote as a Freeman in respect of Birth, unless his Right be immediately derived from some Person who was a Freeman or entitled to be admitted a Freeman previous to the *First Day of March One thousand eight hundred and sixty-six.*

Districts of Boroughs.

Boroughs named in Schedule (B.) to be united into Districts of Boroughs, each District returning One Member.

15. Each of the Boroughs named in the Second Column of Schedule (B.) hereto annexed shall, after the passing of this Act, be united to form a District of Boroughs to be called by the Name of the Chief Borough, as set forth in the First Column of said Schedule; and each such District of Boroughs shall in all future Parliaments return only One Member, and the separate Boroughs forming each such District shall cease to have the Right to take Part in the Election of Members of Parliament otherwise than as forming Part of a District in the Manner herein provided.

Additional Members to certain Constituencies.

County of Cork and City of Dublin to have each One additional Member.

16. The County of Cork and the City of Dublin shall each return *One Member* to serve in future Parliaments, in addition to the Members which each of said Places are now by Law entitled to return.

Queen's University in Ireland.

Queen's University to return One Member.

17. In all future Parliaments the Queen's University in Ireland shall return One Member to serve in Parliament.

Persons entitled to vote in Queen's University.

18. All Doctors of Law, Doctors of Medicine, Masters of Arts, and Masters of Surgery, all Bachelors of Law of Two Years Standing, all Bachelors of Medicine of Two Years Standing, and all Bachelors of Arts of Three Years Standing, upon whom Degrees have been or shall be conferred by the Senate of the Queen's University in Ireland for the Time being, shall, if of full Age and not subject to any legal Incapacity, be entitled to vote in the Election of a Member to serve in Parliament for the said University; and the Standing of all Graduates on whom Degrees have been or shall be conferred by the Senate of the University shall be computed from the respective Times when such Degrees were or shall have been actually conferred.

19. A

Registration of Graduates of the Queen's University in Ireland.

19. A Register of the Graduates for the Time being entitled to vote in the Election of a Member to serve in Parliament for the Queen's University shall be kept by such Officer and in such Manner as the Senate of the said University shall from Time to Time appoint and direct, and shall be annually published in the Month of December in each Year and be kept open to Inspection; and any Person whose Name is omitted shall have a Right to make a Claim in Writing addressed to the Officer in charge of the Register to have his Name inserted, and such Officer shall submit all such Claims to the Vice Chancellor of the University; all Questions as to Additions of Names to and Omission of Names from said Register shall in case of Disputes be decided by the Vice Chancellor of the said University, or by some Pro-Vice Chancellor authorized by him in that Behalf and the Register amended accordingly; and the Register for the Time being at any Election shall be conclusive Evidence that any Person whose Name shall appear thereon at the Time of his claiming to vote at such Election is so entitled to vote, and that any Person whose Name shall not appear thereon at the Time of his claiming to vote is not so entitled to vote.

Vice Chancellor of Queen's University to be Returning Officer.

20. The Vice Chancellor of the Queen's University in Ireland shall be the Returning Officer for such University, and the Writ for any Election of a Member to serve in Parliament for such University shall be directed to such Vice Chancellor.

Elections for Queen's University to be within Six Days after Receipt of Writ, Three clear Days Notice being given.

21. The Vice Chancellor of the Queen's University in Ireland shall proceed to Election in pursuance of any Writ to be directed to him, as herein-before mentioned, within Six Days after the Receipt of such Writ, giving Three clear Days Notice of the Day and Place of Election, exclusive of the Day of Proclamation and the Day of Election; and the Vice Chancellor shall, after such Election, certify the same, together with such Writ, according to the Directions thereof.

Polling at Queen's University may continue Three Days.

22. At every contested Election of a Member to serve in Parliament for the Queen's University in Ireland the Polling shall commence at Eight o'Clock in the Morning of the Day next following the Day fixed for the Election, and may continue for not more than Three Days, Sunday, Christmas Day, and Good Friday being excluded, but no Poll shall be kept open later than Four o'Clock in the afternoon.

Electors to vote by Means of Voting

23. The Provisions of the Statute passed in the Twenty-fourth and Twenty-fifth Years of Her present Majesty, Chapter Fifty-three, which provides that Votes at Elections for Universities may be recorded

Papers as under Stat. 24 & 25 Vict. c. 53.

recorded by means of Voting Papers, shall apply to Elections for a Member to serve in Parliament for the Queen's University in Ireland, in like Manner in all respects as if the Queen's University in Ireland were named in said Statute.

New Boroughs proposed to be added to existing Boroughs.

Towns in Schedule (C.) to be added to existing Boroughs, and form Districts of Boroughs returning One Member.

24. Each of the Towns named in the Third Column of Schedule (C.) to this Act annexed shall be a Borough, and shall, after the passing of this Act, be united with the Borough named opposite to it in the Second Column of said Schedule to form a District of Boroughs, to be called by the Name of the Chief Borough as set forth in the First Column of said Schedule, and each such District of Boroughs shall in all future Parliaments return One Member; and the separate Borough comprised in each such District shall cease to have the Right to take Part in the Election of Members of Parliament, otherwise than as forming Part of a District in the Manner herein provided.

No Persons to have Votes for Counties in respect of Lands situate within the Boundaries of Boroughs.

25. No Person shall be entitled to be registered as a Voter for or to vote at any Election of a Knight or Knights of the Shire for any County in Ireland in respect of any Lands, Tenements, or Hereditaments in respect of which he shall become entitled to vote for a Borough under this Act, whether he shall or shall not have actually acquired the Right to vote for such Borough in respect thereof.

Boundaries of Towns constituted Boroughs to form Part of Districts of Boroughs.

26. Each of the Towns mentioned in Column 3 of Schedule (C.), save as herein-after mentioned, shall include all the Lands within the Boundaries, as settled at the passing of this Act, under "The Towns Improvement (Ireland) Act, 1854"; and in the Case of the Towns of Charleville, Ennistimon, and Kilrush, the Boundaries shall be determined within One Month after the passing of this Act by the Lord Lieutenant in Council, in like Manner as the Lord Lieutenant in Council determines Boundaries under the "Towns Improvement (Ireland) Act, 1854," but without any Application being necessary for that Purpose.

Assimilation of Parliamentary and Municipal Boundaries.

Parts within Municipal and outside Parliamentary Bounds included in Parliamentary Boundaries of Boroughs.

27. Where, at the Time of the passing of this Act, the Boundary of any Municipal Borough does not coincide with the Parliamentary Boundary, all that Part of such Borough situate beyond the Limits of the Parliamentary Borough, but within the Municipal Limits, shall form Part of the Borough for all Purposes connected with the Election of a Member or Members to serve in Parliament for such Borough.

28. Whenever

Extensions of Boundaries of Towns for Municipal Purposes to be within Boroughs.

28. Whenever after the passing of this Act the Boundary of any Borough shall be extended by any Act of Parliament for the Purposes of Local Government under Town Councils or Commissioners, all the Lands added to such Borough by such Act of Parliament shall form Part of the Borough for all Purposes connected with the Election of a Member or Members to serve in Parliament for such Borough.

Registration of Voters.

Clerk of Town Commissioners to be Town Clerk under Registration Acts.

29. From and after the passing of this Act in all Towns under the "Towns Improvement (Ireland) Act, 1854," the Collector of Grand Jury Cess shall cease to act for the Town Clerk under said Acts, and the Clerk of the Town Commissioners shall be the Town Clerk.

Provisions of Registration Acts to apply to new Boroughs.

30. All the Provisions of the Registration Acts as amended by this Act shall apply to Boroughs constituted by this Act, in the same Manner in all respects, so far as is practicable, as they apply to existing Boroughs, and the Chairman of the County and the other County Officers of the County in which the Borough is situate shall discharge the like Duties in respect of such Boroughs as Chairmen and County Officers now discharge in respect of existing Boroughs situate within Counties of which they are Officers.

Regulations respecting Districts of Boroughs.

Regulations as to Groups of Boroughs.

31. The following Regulations shall be made respecting Districts of Boroughs created by this Act:

1. The Voters for a Member or Members to serve in Parliament for a District of Boroughs shall be the same Persons who would be qualified to vote in each Borough of the District for a Member or Members for that Borough if it were not comprised in a District:
2. The Returning Officer of the Chief Borough shall be the Returning Officer of the District, and the Nomination and Declaration of the Poll shall take place at the Chief Borough in the Manner now prescribed by Law:
3. The Clerk of the Peace acting for each Contributory Borough, in addition to the List of Voters which he is required by Law to send to the Returning Officer of his own Borough, shall, on or before the Twenty-fifth Day of November in every Year, sign and send to the Clerk of the Peace acting for the Chief Borough a Copy of the List of Voters for such Contributory Borough:
4. Upon the Receipt of the Lists of Voters from the Contributory Boroughs the Clerk of the Peace of the Chief Borough shall

add thereto the List of Voters for his own Borough, and shall form all such Lists into a Book or Books, and shall sign and deliver such Book or Books on or before the last Day of November to the Returning Officer of the District, to be by him and his Successors as Returning Officer safely kept for the Purposes of the Acts relating to the Representation of the People in Ireland in Parliament:

5. The Book or Books so delivered by the Clerk of the Peace of the Chief Borough to the Returning Officer of the District shall be the Register of Persons entitled to vote at any such Election of a Member or Members to serve in Parliament for the District as may take place between the last Day of November in the Year when the Register has been made, and the First Day of December in the succeeding Year:

6. Whenever by any Judgment or Order of the Court of Exchequer Chamber in Ireland any Alteration or Correction of the Register of Voters for any District of Boroughs is required to be made, Notice of the said Judgment or Order shall be forthwith given by the said Court to the Returning Officer of the District, and also where the Alteration or Correction affects the List of Voters for a Contributory Borough to the Returning Officer of that Contributory Borough, and the Notice so given shall be under the Hand of the Clerk of the Errors, and shall specify exactly every Alteration or Correction required to be made, and the Returning Officer of the District as to the Register of Voters for the District, and also as to the List of Voters of the Chief Borough delivered to him, and the Returning Officer of each Contributory Borough as to the List of Voters of such Borough delivered to him, shall on the Receipt of any Notice as aforesaid requiring an Alteration or Correction to be made in any such Register or List of Voters, alter or correct such Register or List accordingly, and sign his Name against every Alteration or Correction so made by him, and safely keep and hand over to his Successors every Notice given to him by the said Court as aforesaid:

7. The Writ for the Election of a Member or Members for the District shall be directed to the Returning Officer of the District:

8. The Returning Officer of the District shall, on the Receipt of the Writ, forthwith transmit to the Returning Officer of each of the Contributory Boroughs Notice of the Day fixed by him for the Election of a Member or Members to serve in Parliament for the District:

9. The

9. The Voters in each Borough of a District shall respectively give their Votes in the Borough to which they belong:

10. The Returning Officers of each of the Contributory Boroughs shall, for the Purpose of taking and conducting the Poll, be deemed to be the Deputies of the Returning Officer of the District, and shall deliver or transmit the Poll Books in such Manner as the Deputies of Returning Officers of Boroughs in Ireland are by Law required to do, and shall have the same Powers and perform the same Duties in every respect as are respectively conferred and imposed on such Deputies:

11. Save as aforesaid, Lists of Voters shall be made and revised, and the Election of Members be conducted in the same Manner in a District of Boroughs as if such Boroughs had continued to return Members separately to Parliament; and save as aforesaid, the Returning Officer of each Borough forming One of a Group of Boroughs shall perform the same Duties and have the same Responsibilities and Powers as if he were the Returning Officer of a Borough separately returning a Member or Members to serve in Parliament.

Existing Election Laws to apply to new Boroughs.

32. Subject to the Provisions of this Act, all Laws, Statutes, Usages, Provisions, and Penalties now in force respecting the Election of a Member or Members to serve in Parliament for Boroughs in Ireland, shall, so far as the same may be applicable, and not inconsistent with the Provisions of this Act, extend and apply to all Boroughs created by this Act: Provided always, that nothing in this Act contained shall be construed to confer any Right of Voting arising in any Boroughs created by this Act, save in respect of such Franchise as is provided by this Act.

Certain Provisions of the 13 & 14 Vict. c. 68. to apply to Boroughs in Districts other than Chief Boroughs in like Manner as to such Boroughs.

33. The several Provisions contained in the Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Eighteenth, Nineteenth, and Twentieth Sections of an Act of the Thirteenth and Fourteenth Years of Her present Majesty's Reign, Chapter Sixty-eight, intituled "An "Act to shorten the Duration of Elections in Ireland, and for esta- "blishing additional Places for taking the Poll thereat," relating to the erecting, providing, or regulating of Booths or Compartments for polling, and the Expense of the same, and also relating to the Appointment and Duties of Deputies and Poll Clerks in relation to the Poll and the Payments to be made to them, and relating to the Lists of Persons allotted to poll at the Booths or Compartments, and relating to the Commencement and Duration of the Poll and the Proceedings thereat, and relating to the closing of the Poll, or Proceedings to be taken in case of Riot, and the other Provisions of the said Act, shall extend and apply to each Borough established by this

Act, so far as the same respectively may be applicable and not inconsistent with the Provisions of this Act, as fully and effectually and in like Manner as such several Provisions apply to an existing Borough.

Writs, &c. to be made conformable to this Act.

34. All Writs to be issued after the passing of this Act, for the Election of Members to serve in Parliament, and all Mandates, Precepts, Instruments, Proceedings, and Notices consequent upon such Writs, shall be framed and expressed in such Manner and Form as may be necessary for carrying the Provisions of this Act into effect.

Precepts and Notices, &c. to be adapted to this Act.

35. All Precepts, Notices, Lists of Voters, Registers of Voters, Instruments, and Proceedings relating to the Registration of Voters, shall be altered, framed, and expressed in such Manner as may be necessary for carrying into effect the Provisions of this Act.

Schedules to be Part of Act.

36. The Schedules to this Act annexed shall be deemed to be Part of this Act.

SCHE-

SCHEDULE (A.)

Form No. 1.

Claim of Lodger.

Borough of .

To the Town Clerk of the Borough of .

I hereby claim to be inserted in the List of Voters in respect of the Occupation of the under-mentioned Lodgings, and the Particulars of my Qualification are stated in the Columns below :

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

I the above-named hereby declare that I was [*or* am] on the First Day of July in this Year, and have been during the Twelve Months immediately preceding, the Occupier of the above-mentioned Lodgings, and that I have resided therein during the Six Months immediately preceding the said First Day of July, and that such Lodgings are of a clear yearly Value, if let unfurnished, of Ten Pounds or upwards.

Dated the Day of

Signature of Claimant _____

Witness to the Signature of the said _____

And I certify my Belief in the Accuracy of the above Claim. _____

Name of Witness _____

Residence and Calling _____

This Claim must bear Date the First Day of July or some Day subsequent thereto, and must be delivered to the Town Clerk on or before the Twentieth Day of July.

FORM No. 2.

CLAIM IN RESPECT OF DEPOSIT IN SAVINGS BANK.

County of
or
City [*or* Borough] of

To the Clerk of the Peace of the County of [*or* Town Clerk of the Borough of , as the Case may be].

I hereby claim to be inserted in the List of Voters as a Depositor in a Savings Bank, and the Particulars of my Place of Abode and Qualification are stated in the Columns below:

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Place of Abode, with Number of House, Name of Street, &c. (if any).	Nature and Particulars of Qualification.	Number of Certificate annexed. *a*.
			Depositor in the Savings Bank of	

a Insert the distinguishing Number of the annexed Certificate.

This Claim must bear Date the First Day of July or some Day subsequent thereto, and must be delivered to the Clerk of the Peace [*or* Town Clerk, as the Case may be], with the Certificate annexed, on or before the Twentieth Day of July.

FORM

FORM No. 3.

CERTIFICATE OF DEPOSIT IN SAVINGS BANKS.

Certificate No. .

We, the undersigned, [being Two of the Trustees [*or* Managers] of the Savings Bank,] *or* [I, the undersigned, being an Officer appointed and authorized by the Trustees [*or* Managers] of the Savings Bank for that Purpose,] *or* [I, the undersigned, being an Officer appointed by Her Majesty's Postmaster-General], do hereby certify that of has a Sum of not less than £50 deposited in the said Bank, and that he has had not less than such Amount so deposited in the said Bank for the Two Years immediately preceding the First Day of July in this present Year.

Dated the Day of 18 .

Signature and Description of Persons signing -

Official Address

NOTE.—The Officers by whom these Certificates are granted must insert a distinguishing Number to each Certificate.

The Certificate must be issued on or subsequently to the First Day of July, and must be delivered to the Clerk of the Peace [or Town Clerk, as the Case may be,] with the Claim, on or before the Twentieth Day of July.

SCHEDULE (B.)

Name of District of Boroughs.	Existing Boroughs united to form Districts of Boroughs.
No. 1.	No. 2.
ATHLONE - -	Athlone. Portarlington.
BANDON - -	Bandon. Kinsale.
ENNISKILLEN -	Enniskillen. Dungannon.

SCHEDULE (C.)

Name of District of Boroughs.	Existing Boroughs united with other Towns to form Districts of Boroughs.	Towns constituted Boroughs, and added to existing Boroughs.
No. 1.	No. 2.	No. 3.
CASHEL - - -	Cashel - - -	Nenagh. Thurles. Tipperary.
COLERAINE - - -	Coleraine - - -	Ballymena.
DOWNPATRICK - -	Downpatrick - -	Newtonwards.
ENNIS - - -	Ennis - - -	Ennistimon. Kilrush.
MALLOW - - -	Mallow - - -	Charleville. Fermoy.
NEW ROSS - - -	New Ross - -	Enniscorthy.
YOUGHAL - - -	Youghal - -	Queenstown.

Representation of the People (Ireland).

A

B I L L

To amend the Representation of the People in Ireland.

(*Prepared and brought in by Mr. Chichester Fortescue, Mr. Chancellor of the Exchequer, Mr. Attorney General for Ireland, and Mr. Solicitor General for Ireland.*)

Ordered, by The House of Commons, *to be Printed,* 7 *May* 1866.

[Bill 142.]

Under 3 *oz.*

Representation of the People (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preamble.

1. Repeal of certain Acts.
2. No Person to be registered, or to vote at any Election, except in Terms of this Act.
3. Property Qualification in Counties to be 5*l.* Valuation.
4. Tenancy Qualification in Counties.
5. Qualification of Burgh Electors to be Ownership or Occupation of a Building of 7*l.* Valuation.
6. Qualification of Lodgers to vote in Burghs.
7. Qualification of Depositors in Savings Banks to vote in Counties and Burghs.
8. Claims of Voters in respect of being Depositors in Savings Banks.
9. Claims of Voters in respect of the Occupation of Lodgings.
10. Polling Places at which Depositors in Savings Banks are to vote.
11. Enactments requiring Payment of Assessed Taxes in Burghs as a Condition of Registration or Voting repealed.
12. Joint Liferent not to afford Qualification, but Joint Proprietors in Fee and Joint Occupiers may vote.
13. Heritable Creditors in possession to be deemed Proprietors.
14. Additional Members for Counties and Burghs.
15. Members for Universities.
16. Repeal of Part of Section Twenty-six of 2 & 3 W. 4. c. 65., and Substitution of another Oath in lieu of that therein prescribed.
17. Future Valuation Rolls of Counties to set forth additional Particulars.
18. New Form of County Valuation Rolls.
19. Assessors may call on Proprietors and Tenants to furnish certain Particulars.
20. County Assessors to make up Lists of disqualified and of new Voters, and to publish such Lists ; and all Persons may have Copies.

21. Assessor to make and publish List of Claims as in No. 2 of Schedule (C.)
22. List of Objections made up by County Assessor.
23. County Assessors to deliver Lists to Sheriff Clerks.
24. Burgh Assessors to make up Lists of Voters who have died or become disqualified, and like List of new Voters, and to publish such Lists; and all Persons may have Copies.
25. Burgh Assessor to make up and publish List of Claims as in Nos. 2, 3, and 4 of the Schedule (C.)
26. Lists of Objections made up by Burgh Assessor.
27. Burgh Assessor to complete Register of Voters and deliver to Town Clerk.
28. Assessor to be nominated specially for Act.
29. Assessors disqualified from voting.
30. Provision as to Service of Notices.
31. Lists put up to be maintained, and Provision for replacing same.
32. Penalty for injuring Lists put up.
33. Lists not invalidated by deficient Publication.
34. Errors of Officers not to affect Claims.
35. Provisions for filling up ad interim Offices on which Duties are imposed by this Act.
36. Valuation Rolls to be open to Inspection for the Purposes of this Act.
37. Persons omitted from Register may claim to be registered.
38. Claimants omitted in List may be enrolled by Sheriff.
39. Grounds of Objection to any Person on the Register or claiming to be put on the Register of Voters.
40. Sheriff to hold Courts for the Revisal and Correction of the Register.
41. Sheriff Clerks and Town Clerks to produce Registers prepared by Assessors, and Notices of Claim and Objection.
42. Assessor to maintain the Register of Votes and to answer Objections thereto, and Claims and Objections to be disposed of.
43. Sheriffs may grant Warrant to cite Parties Witnesses and Havers and Diligence for Recovery of Writings.
44. If more than One Assessor in any County, Sheriff Substitute may hold Registration Court at the same Time with the Sheriff.
45. Sheriffs may adjourn Registration Courts, but to conclude Business by 5th November annually.
46. Sheriff

46. Sheriff Clerks to print County Lists and authenticate them.
47. Town Clerks to print Burgh Registers and authenticate them.
48. Register so printed to be the Register of Voters.
49. Register of Voters to be in force till new Register established.
50. How Distances to be measured.
51. Persons dissatisfied with Judgment of Sheriff may appeal on Points of Law to Lord Ordinary.
52. Dependence of Appeal not to affect Right of voting, and the Decision upon a depending Appeal not to affect Poll.
53. Penalty on Persons not attending Registration Courts when required.
54. Sheriffs may award Costs, and Witnesses and Havers to be paid their Expenses.
55. Penalties on Assessors and others for Neglect of Duty.
56. Penalties to be applied for the Purposes of this Act.
57. Accounts to be kept of Monies received under this Act.
58. Expenses of annual Registration, how to be defrayed.
59. Register to be conclusive Evidence of Qualification.
60. County Voters may be transferred from One Polling District to another.
61. Polling Places in Counties to be re-adjusted.
62. Who to vote for Members of the Universities of Scotland.
63. Each Voter to poll at the Polling Place of his own University.
64. Writ to be directed to the Vice Chancellor of the University of Edinburgh, who shall fix and notify the Day of Election.
65. Order of Proceedings at Elections for Universities.
66. Polls to be kept open Three Days.
67. Expenses of executing Writs, &c. to be paid.
68. Persons guilty of Personation to be punished.
69. Refusal of Certificate in case of Deposit in Savings Bank.
70. Offences in respect of false Certificates.
71. Abettors to be punished as Principals.
72. Duty of Polling Sheriff where One Vote has been received and another tendered on same Qualification.
73. Provision for safe Custody of Poll Books.
74. Office Copies of Poll Books to be Evidence.
75. Clerk of the Crown to preserve Poll Books.
76. And to produce them before Election Committee if required.
77. Power of Committee on Election Petitions to decide as to Right of voting.

78. Misnomer not to vitiate.
79. Interpretation Clause.
80. Writ, &c. to be made conformable to this Act.
81. Saving of existing Registers.
82. Acts relative to Elections to remain in force except when superseded by this Act.
83. Short Title.

SCHEDULES.

A

B I L L

FURTHER TO

Amend the Laws relating to the Representation in Parliament of the People of Scotland.

WHEREAS an Act was passed in the Second and Third Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-five, intituled "An Act to amend the Representation of the People of Scotland;" and another Act was passed in the Seventeenth and Eighteenth Year of the Reign of Her present Majesty, Chapter Ninety-one, intituled "An Act for the Valuation of Lands and Heritages in Scotland;" and another Act was passed in the Nineteenth and Twentieth Year of the Reign of Her present Majesty, Chapter Fifty-eight, intituled "An Act to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in Scotland;" and another Act was passed in the Twenty-fourth and Twenty-fifth Year of the Reign of Her present Majesty, Chapter Eighty-three, intituled "An Act to amend the Law regarding the Registration of County Voters in Scotland:" And whereas it is expedient to amend the First and Second recited Acts, and to repeal the Third and Fourth recited Acts, and to make other and further Provision for the due

Preamble.

2 & 3 W. 4. c. 65.

17 & 18 Vict. c. 91.

19 & 20 Vict. c. 58.

24 & 25 Vict. c. 83.

Representation of the People in Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

2 & 3 W.4. c. 65.

1. All the Provisions of the first-recited Act relative to the Registration of Voters, and Courts and Procedure connected therewith, excepting in so far as the same may be necessary in order to give effect to the Provisions of this Act, and also the third and fourth recited Acts, shall be, from and after the *passing of this Act*, and the same are hereby repealed: Provided always, that every Register made and every Act done in pursuance of any of the said Acts before the passing of this Act shall continue in force and valid notwithstanding the Repeal of the same.

No Person to be registered or to vote at any Election except in Terms of this Act.

2. From and after no Person shall be entitled to have his Name inserted or retained in the Register of Voters, or to vote at any Election of a Member or Members to serve in Parliament for any County or Burgh in Scotland, except in Terms of this Act; and the whole Provisions of the said recited Acts, in so far as inconsistent with this Act, are hereby repealed.

Property Qualification in Counties to be *5l.* Valuation.

3. Every Male Person of full Age, and not subject to any legal Incapacity, shall be entitled to have his Name inserted or retained in the Register of Voters for a County in Scotland, whose Name shall be entered on the Valuation Roll of the County for the Year commencing at *Whit Sunday* in the Year in which such Register is made as the Proprietor in his own Right, or in that of his Wife, of any Lands or Heritages, within such County, entered on the said Roll as of the yearly Value of *Five Pounds* or upwards, after Deduction of any Feu Duty, Ground Annual, or other Consideration which he may be bound to pay or to give or account for as a Condition of his Right; provided that if such Lands or Heritages be of less yearly Value than *Ten Pounds*, such Persons have had their ordinary Residence within the County for *Six Months* next previous to the last Day of July in such Year.

Tenancy Qualification in Counties.

4. Every Male Person of full Age, and not subject to any legal Incapacity, shall be entitled to have his Name inserted in the Register of Voters for a County in Scotland, whose Name shall be entered on the Valuation Roll of the County for the Year commencing at the Term of *Whit Sunday* in the Year in which such Register is made as having One or other of the Qualifications specified in the Ninth Section of the first-recited Act, or as Tenant and Occupant of any House, Warehouse, Counting House, Shop, or other Building within the County being either separately or jointly with

with any Land occupied therewith by him as Tenant under the same Landlord entered on the said Roll as of the clear annual Value of *Fourteen Pounds* or upwards; provided that such Person shall have resided within such County for *Six Months* next previous to the last Day of July in such Year, and that such Building shall either be the Dwelling House of the Occupier, or be separately entered on the said Roll as of the clear annual Value of *Five Pounds* or upwards.

Qualification of Burgh Electors to be Ownership or Occupation of a Building of 7*l.* Valuation.

5. In every Burgh which shall return or contribute to return as a Burgh a Member or Members to serve in Parliament, every Male Person of full Age, and not subject to any legal Incapacity, shall be entitled to have his Name inserted in the Register of Voters, and thereafter to vote at Elections for such Burgh, or for the District of Burghs to which it belongs, whose Name shall be entered on the Valuation Roll of the Burgh for the Year commencing at the Term of *Whit Sunday* in the Year in which such Register is made as the Proprietor, or as the Tenant and Occupant of any House, Warehouse, Counting-house, Shop, or other Building within the Limits of said Burgh, being either separately or jointly with any Land occupied therewith by him as Tenant under the same Landlord, entered on the said Roll as of the yearly Value of *Seven Pounds* or upwards; provided such Person shall have resided within such Burgh for *Six Months* next previous to the last Day of July in such Year, or within Seven Statute Miles of some Part of such Burgh, and that such Building shall separately be entered on the said Roll as of the clear yearly Value of *Three Pounds* or upwards.

Qualification of Lodgers to vote in Burghs.

6. Every Male Person of full Age, and not subject to any legal Incapacity, shall be entitled to have his Name inserted in the Register of Voters, and, when registered, to vote at the Election of a Member or Members to serve in Parliament for a Burgh in Scotland, provided he is on the First Day of July in any Year the Occupier of Lodgings within the Burgh, and during the *Twelve Months* immediately preceding has been in the Occupation of the same Lodgings, such Lodgings being Part of a Dwelling House, and of a clear yearly Value (if let unfurnished) of *Ten Pounds* or upwards; and provided he has resided in such Lodgings during the *Six Months* immediately preceding the said First Day of July, and has, on or before the *Twentieth Day of July* in each Year, claimed to be registered as a Voter at the next ensuing Registration of Voters.

Qualification of Depositors in Savings

7. Every Male Person of full Age, and not subject to any legal Incapacity, shall be entitled to have his Name inserted in the Register of Voters, and, when registered, to vote at the Election of a Member

Banks to vote in Counties and Burghs.

a Member or Members to serve in Parliament for a County or Burgh in Scotland, who has resided in such County or Burgh for a Period of *Six Months* immediately preceding the First Day of July in any Year, and for the *Two Years* immediately preceding the First Day of July has kept a Balance of *Fifty Pounds* deposited in some Savings Bank in his own Name, and for his own Use, and has, on or before the *Twentieth Day of July* in each Year, claimed to be registered as a Voter at the next ensuing Registration of Voters.

Claims of Voters in respect of being Depositors in Savings Banks.

8. The Claim of any Person desirous of being registered as a Voter for a Member or Members to serve for any County or Burgh in respect of a Qualification as a Depositor in a Savings Bank shall be in the Form of the Schedule marked (C.), Number 4, hereunto annexed, but no Claim shall be received by the Assessor for any County or Burgh unless it have annexed thereto a Certificate in the Form of the Schedule marked (C.), Number 5, hereunto annexed, or as near thereto as Circumstances admit, and signed, in the Case of a Post Office Savings Bank, by some Officer authorized to sign the same by the Postmaster General; and in the Case of any other Savings Bank by Two of the Trustees or Managers of such Savings Bank, or by some Officer authorized by them.

Claims of Voters in respect of the Occupation of Lodgings.

9. The Claim of any Person desirous of being registered as a Voter for a Member or Members to serve in a Burgh in respect of the Occupation of Lodgings shall be in the Form of the Schedule marked (D.), Number 2, hereunto annexed, and have annexed thereto a Declaration in the Form and be certified in manner in said Schedule mentioned, or as near thereto as Circumstances admit.

Polling Places at which Depositors in Savings Banks are to vote.

10. Every Person claiming to vote as a Depositor in a Savings Bank shall vote at the Polling Place at which he would vote if he were registered as a Voter in respect of Property situate in the Parish or Place in which he resides.

Enactments requiring Payment of Assessed Taxes in Burghs as a Condition of Registration or voting repealed.

11. So much of Sections Eleven and Twelve of the first-recited Act as requires, as a Condition of Registration in any Year, or of Title to vote at any Election for a City, Burgh, or Town, or District of Cities, Burghs, or Towns, that a Claimant or Voter shall have paid, on or before the Twentieth Day of July in such Year, all Assessed Taxes which shall have become payable by him, as therein mentioned, shall be and is hereby repealed.

Joint Liferent not to afford Qualification, but Joint Proprietors in

12. No Joint Proprietor in Liferent shall be entitled to be registered or to vote in the Election of a Member or Members to serve in Parliament, in virtue of any Right acquired after the passing of this Act, unless such Joint Liferent Right shall have been acquired by Marriage, Marriage Settlement, Inheritance, or mortis causa

causa Disposition; but if any Two Persons or more shall be entered in the Valuation Roll as aforesaid as Joint Proprietors in Fee of any Lands and Heritages to which a Right of voting is attached by this Act, or if any Two Persons or more are so entered as Joint Occupiers of any Lands and Heritages, to the Occupation of which a Right of voting is attached by this Act, each of such Joint Proprietors and Joint Occupants respectively shall be entitled to be registered; provided that the Share or Interest in such Lands or Heritages of each Joint Proprietor or Joint Occupant shall be of such clear annual Value as would have been sufficient to confer a Right of voting under this Act on such Person if he had been sole Proprietor or sole Occupant.

Fee, and Joint Occupiers, may vote.

13. No Person shall be entitled to be registered as Proprietor of any Lands and Heritages who is excluded from the Possession thereof by reason of there being an Heritable Creditor or Adjudger in possession; and every Heritable Creditor or Adjudger infeft in such Lands and Heritages, and being in the Possession thereof, shall for the Purposes of this and the said recited Acts be deemed to be Proprietor thereof, and shall be entitled to be registered and to vote in respect thereof.

Heritable Creditors in possession to be deemed Proprietors.

14. In all future Parliaments the following Counties and Burghs in Scotland, that is to say, the Counties of Ayr, Lanark, Aberdeen, and the Cities of Edinburgh and Glasgow, and the Burgh of Dundee, shall each return One Member in addition to the Member now returned by such Counties and Burghs respectively.

Appropriation of Six Seats to Scotland.

15. In all future Parliaments the Universities of Scotland, that is to say, the University of St. Andrews, the University of Glasgow, the University of Aberdeen, and the University of Edinburgh, shall collectively return One Member to serve in the Commons House of Parliament.

One Member to be returned by the Scotch Universities.

16. The following Words in Section Twenty-six of the first-recited Act are hereby repealed; that is to say, the Words "of his "being still possessed of the Qualification there recorded, on his "own account, and not in trust for or at the Pleasure of any "other Person," and an Oath or solemn Affirmation, as the Case may be, in the Form of the Schedule (A.) to this Act annexed, shall be substituted for the Oath or solemn Affirmation in the Form of the Schedule (I.) annexed to the said recited Act; and wherever, according to the Provisions of the said recited Act, an Oath or solemn Affirmation, as the Case may be, in the Form of Schedule (I.) to the said Act annexed, may be put and is required to be taken,

Repeal of Part of Section 26 of 2 & 3 W. 4. c. 65., and Substitution of another Oath in lieu of that therein prescribed.

taken, there shall only be put and be required to be taken an Oath or solemn Affirmation, as the Case may be, in the Form of the Schedule (A.) to this Act annexed; and the said recited Act shall for the future be read and construed as if the Schedule (A.) to this Act annexed were the Schedule (I.) annexed to the said recited Act.

Future Valuation Rolls of Counties to set forth additional Particulars.

17. In all future Valuation Rolls to be made up in Terms of the second-recited Act the Assessor of every County shall, in addition to the Particulars which are by the said Act required to be ascertained by him and to be entered on such Roll, ascertain the Rent, calculated in Terms of the Ninth Section of the first-recited Act, payable by every Tenant holding any Lands or Heritages entered on such Roll, as of the yearly Value of *Ten Pounds* or upwards, under any Lease originally granted for not less than *Fifty-seven Years*, exclusive of Breaks; and if any Building shall be occupied jointly with any Land, he shall ascertain the Value of such Building separately from such Land, and enter the same if it amount to Six Pounds or upwards; and the Assessor of every Burgh shall ascertain the Value of every Building occupied jointly with any Land within the Limits of the Burgh entered in the said Roll as of the Value of Seven Pounds or upwards, and shall enter separately the Value of such Building, if the same amount to Three Pounds or upwards.

New Form of County Valuation Rolls.

18. The Valuation Rolls of Counties and Burghs shall for the future be annually made up in the Form of the Schedule (B.) hereunto annexed, provided always that it shall be lawful for the Commissioners of Supply of any County, with the Sanction of the Lord Clerk Register or his Deputy, to make, as regards such County, such Alteration in the Form of said Schedule, where this shall be found necessary or convenient, as may make it applicable to *One Year* only, or to any less Number of Years than *Five Years*.

Assessors may call on Proprietors and Tenants to furnish certain Particulars.

19. It shall be lawful for the Assessor of any County or Burgh, in order to the Ascertainment of the Particulars required by this Act to be entered in the Valuation Roll, to call upon any Proprietor or Tenant for Receipts or other written Evidence of the Amount of Feu Duty, Ground Annual, or other yearly Consideration payable as a Condition of his Right by such Proprietor, or of such Rent, and such Proprietor or Tenant shall be bound to furnish and deliver such Evidence to the Assessor under the same Penalty in case of Failure or of false Statement as is provided in similar Cases in the said second-recited Act; and it shall also be lawful for the Assessor to exercise all the Powers which under the second-recited Act

Act he may lawfully exercise for the Purposes thereof; and when the Proprietor is a married Woman the Assessor shall further insert in such Roll the Name and Designation of her Husband.

County Assessors to make up Lists of disqualified and of new Voters,

20. The Assessor of every County shall, on or before the *Fifteenth Day of August* in every Year, make out and subscribe, according to the Form No. 1 of the Schedule (C.) to this Act annexed, a List arranged alphabetically in Parishes of all Persons entered in the Register of Voters for the County who may have died or become disqualified, and a like List of all Persons who shall appear from the Valuation Roll to be entitled to vote in the Election of a Member to serve in Parliament for such County in Terms of this Act, and give Notice by Advertisement in One or more Newspapers circulating in the County of the Office or Place at which such Lists will be open to Inspection as after mentioned, and shall cause a sufficient Number of Copies of such Lists to be printed, and a Copy of each such List, or of such Part thereof as relates to each Parish within the County, to be affixed on some conspicuous Place within such Parish, and a Copy of each such List to be open to Inspection by any Person, without Payment of any Fee, at any Time between the Hours of Ten o'Clock in the Morning and Four o'Clock in the Afternoon of each Day except Sunday, from the *Sixteenth* to the *Twenty-fifth Days of August* both inclusive, and shall deliver Copies thereof, or of Part thereof, signed by him, to all Persons applying for the same, on Payment of a Price for every such Copy after the Rate contained in the Table No. 1 of the Schedule (E.) to this Act annexed: Provided always, that if any Person who may desire his Name not to be inserted in any such List shall intimate such Desire in Writing to the Assessor, the Assessor shall not insert in such List the Name of such Person.

and to publish such Lists;

and all Persons may have Copies.

Assessor to make and publish List of Claims as in No. 2 of Schedule (C.)

21. On or before the *First Day of September* in every Year the Assessor of every County shall make up Lists of the Claims of which Notice has been given to him in one or other of the Forms No. 2 of the Schedule (C.) to this Act annexed, with the Names of the Persons claiming arranged alphabetically in Parishes, and shall give Notice by special Advertisement that such Lists of Claims have been prepared, and shall specify in such Notice the Office or Place at which such Lists will be open to Inspection, and shall cause a written or printed Copy of such Lists, or of such Part thereof as relates to each Parish in the County, to be affixed on the Door of the Church of such Parish; and Copies of such Lists shall be open to Inspection from the *Second* to the *Fourteenth Days of September*, both inclusive, in each Year; and Copies of such Lists, or Parts thereof,

shall be delivered by the Assessor to Persons applying for the same, on Payment therefor, at the Rate specified in the said Table No. 1 of the Schedule (E.)

List of Objections made up by County Assessor.

22. On or before the *First Day of September* in every Year the Assessor of every County shall make up Lists of the Objections to Claims of which Notice has been given to him on or before the *Twenty-fifth Day of August* preceding, arranged alphabetically in Parishes in the Forms Nos. 8 and 9 of the Schedule (C.) to this Act annexed; and such Lists of Objections shall be affixed, published, and open to Inspection at the same Places and during the same Time as is herein-before provided with respect to the Lists of Claims; and Copies of such Lists of Objections, or Parts thereof, shall be delivered by the Assessor to the Persons applying for the same, on Payment thereof, as herein-before provided in regard to Lists of Voters.

County Assessors to deliver Lists to Sheriff Clerks.

23. The Assessor of the County shall revise and correct the List of Voters, and shall complete the Register, and deliver, on or before the *Thirtieth Day of September* in each Year, a Copy of the same, subscribed by him, together with the Claims and Objections lodged with him as herein provided, to the Sheriff Clerk of the County.

Burgh Assessors to make up Lists of Voters who have died or become disqualified, and like List of new Voters.

24. The Assessor of every Burgh shall, on or before the *Fifteenth Day of August* in every Year, make out and subscribe a List of all Persons entered in the Register of Voters for the Burgh who have died or become disqualified, and a like List, according to the Form No. 1 of the Schedule (D.) to this Act annexed, of all Persons who shall appear from the Valuation Roll to be entitled to vote in the Election of a Member or Members to serve in Parliament for such Burgh in Terms of this Act; and such Lists shall be arranged in Wards (where the Burgh is divided into Wards) and in Polling Districts; and each Ward and Polling District shall be arranged, as far as conveniently may be, in the alphabetical Order of Streets, Squares, Lanes, and other Places in which Houses are distinguished by Numbers, or in which the Houses or other Lands or Heritages are situated, and as regards all other Places in the alphabetical Order of the Surnames of the Persons entitled as aforesaid; and in such Lists the Christian Name and Surname of every Person shall be written at full Length, together with the Place of his Abode, the Nature of his Qualification, and the Name of the Street and Number of the House (if any), or other Description of the Place where the Property in right of which he was or is entitled to vote may be situate; and the Assessor shall cause a sufficient Number of Copies thereof

thereof to be printed, and shall publish Copies of the said List by affixing the same on or near the Town Hall or other conspicuous Place within the Burgh; and shall also give Notice by Advertisement, in some One or more Newspapers circulating in the Burgh, of the Place at which a Copy of such List will be open to Inspection; and such Copy shall be open to Inspection by any Person, without Payment of any Fee, at any Time between the Hours of Ten o'Clock in the Morning and Four o'Clock in the Afternoon of each Day, except Sunday, from the *Sixteenth to the Twenty-fifth Days of August*, both inclusive; and the Assessor shall deliver Copies thereof, signed by him, to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table No. 1 of the said Schedule (E.): Provided always, that if any Person who may desire his Name not to be inserted in such List shall intimate such Desire in Writing to the Assessor, the Assessor shall not insert in such List the Name of such Person.

And to publish such List;

and all Persons may have Copies.

25. On or before the *First Day of September* in every Year the Assessor of every Burgh shall make up Lists of the Claims of which Notice has been given to him in the Form of Nos. 2 and 3 of the Schedule (C.) to this Act annexed, with the Names of the Persons claiming, arranged alphabetically, and shall give Notice by special Advertisement that such Lists of Claims have been prepared, and shall specify in such Notice the Office or Place at which such Lists will be open to Inspection, and shall cause a written or printed Copy of such Lists to be affixed on or near the Town Hall or other conspicuous Place within the Burgh; and Copies of such Lists shall be open to Inspection from the *Second to the Fourteenth Days of September*, both inclusive, in each Year; and Copies of such Lists, or Parts thereof, shall be delivered by the Assessor to Persons applying for the same on Payment therefor at the Rate specified in the said Table No. 1 of the Schedule (E.)

Burgh Assessor to make up and publish List of Claims as in Nos. 2 and 3 of Schedule (C).

26. On or before the *First Day of September* in every Year the Assessor of every Burgh shall make up Lists of the Objections to Claims of which Notice has been given to him on or before the Twenty-fifth Day of August preceding, arranged alphabetically, in the Form Nos. 8, 9, and 10 of the Schedule (C.) to this Act annexed; and such Lists of Objections shall be affixed, published, and open to Inspection at the same Place and during the same Time as is herein-before provided with respect to the Lists of Claims; and Copies of such Lists of Objections, or Parts thereof, shall be delivered by the Assessor to Persons applying for the same on Payment therefor as herein-before provided in regard to Lists of Voters.

Lists of Objections made up by Burgh Assessors.

Burgh Assessors to complete Register of Voters and deliver to Town Clerks.

27. On or before the *Thirtieth Day of September* in each Year the Assessor of every Burgh shall revise and correct the List of Voters, and shall complete the Register of Voters, and deliver a Copy thereof, subscribed by him, to the Town Clerk of the Burgh, along with the Claims and Objections lodged with him as herein provided.

Assessor to be nominated specially for this Act.

28. If in any County or Burgh there shall be more than One Assessor in and for such County or Burgh, it shall be the Duty of the Commissioners of Supply of the County, and of the Magistrates of the Burgh respectively, as soon as may be after the passing of this Act, and at latest within *Three Weeks* after passing of the same, to nominate and appoint One of such Assessors to perform the Duties imposed on the Assessor under this Act, and also to make public Advertisement of such Appointment in some One or more Newspapers circulating in such County or Burgh respectively; and failing such Appointment and Advertisement being duly made, the same shall be made by the Sheriff of the County within *Five Weeks* at latest after the passing of this Act; and every such Assessor so appointed shall, from the Date of his Appointment, be specially charged with all the Duties incumbent on the Assessor under this Act; and on every Occasion where in any County or Burgh an Assessor so appointed shall cease to hold Office, it shall be the Duty of the Commissioners of Supply, or of the Magistrates, as the Case may be, at latest within *Three Weeks* thereafter to appoint another Assessor to act as aforesaid, and to make public Advertisement of such Appointment as before mentioned; and in the event of such Commissioners and Magistrates respectively failing to do so, such Appointment and Advertisement shall be made by the Sheriff of the County within *Five Weeks* at latest after the former Assessor shall have ceased to hold Office as aforesaid: Provided always, that all other Assessors in such County or Burgh shall, in all Matters relating to this Act, be subject to the Orders of the Assessor so to be appointed, and shall take Instructions from him, and shall be bound to act on such Instructions so far as consistent with this Act.

Assessors disqualified from voting.

29. Every Assessor in any County or Burgh shall, while he continues such Assessor, be disqualified from being registered as a Voter, and from voting or taking part in any Election of a Member to serve in Parliament for such County or Burgh, and also, in the Case of Burgh Assessors, from voting or taking part in any Municipal Election within the Burgh.

Provision as to Service of Notices.

30. Where any Notice is by this Act required to be given to the Sheriff Clerk, or Assessor, or Town Clerk of any Burgh, it shall be sufficient if such Notice be delivered to him personally, or left at his

his principal Office, or sent to him by Post in a Registered Letter addressed to him at his principal Office; and where by this Act any Notice is required to be given to any other Person, it shall be sufficient if such Notice be delivered to him personally, or sent in a Letter by Post, Postage paid, addressed to him, with a sufficient Direction, at his usual or last known Place of Abode.

Lists put up to be maintained; and Provision for replacing same.

31. Where any Document shall, pursuant to the Provisions of this Act, be affixed on any Place, the same shall continue so affixed for a Period including *Two consecutive* Sundays at the least next after the Day of Publication, and if removed or defaced within such Period shall be replaced by the Person bound to give Notice.

Penalty for injuring Lists put up.

32. Every Person who shall wilfully mutilate or remove any Document so affixed during such Period shall, for every such Offence, forfeit a Sum not exceeding *Forty Shillings*, nor less than *Ten Shillings*, to any Person who will sue for the same, to be recovered in a summary Manner before the Sheriff of the County or any Two Justices of the Peace.

Lists not invalidated by deficient Publication.

33. No List shall be invalidated by reason that it shall not have been advertised pursuant to this Act, or shall not have been affixed in the Place and for the full Time herein required for Publication thereof; and the Sheriff shall proceed to revise and adjudicate upon every such List, though not advertised or affixed as aforesaid: Provided always, that nothing herein contained shall be construed to exempt any Assessor or other Person acting in wilful or culpable Neglect of any Duty imposed upon him by this or the first-recited Act from any Penalties thereby incurred.

Errors of Officers not to affect Claims.

34. No Claim or Objection to any Claim shall be affected by any Mistake, Error, or Omission committed by any Public Officer or other Person to whom Claims or Objections are appointed to be given in or transmitted.

Provision for filling up ad interim Offices on which Duties are imposed by this Act.

35. Where in any County or Burgh any Office upon the Holder whereof Duties are imposed by this Act shall become vacant, it shall be competent for the Sheriff of the County and he is hereby authorized and required, in the event of it appearing to him to be necessary or expedient in order to the carrying out of the Purposes of this Act, to appoint a Person to perform ad interim the Duties of such Office in so far as imposed by or necessary for the Purposes of this Act; and the Person so to be appointed shall be charged with and shall perform such Duties until such Office be duly filled up, and shall be entitled to such reasonable Remuneration therefor as

as may be fixed by such Sheriff with the Approbation of the Lord Advocate; and such Remuneration shall be payable in the like Manner and out of the like Funds as the Salary or Allowances of the Office become vacant as aforesaid.

Valuation Rolls to be open to Inspection for the Purposes of this Act.

36. Any Person whose Name shall be on any List of Voters for the Time being for any County or Burgh, or who shall have claimed to have his Name inserted in any such List, may at any Time between the Hours of Ten o'Clock in the Morning and Four o'Clock in the Afternoon of each Day, except Sunday, between the *Sixteenth Day of August and the Twentieth Day of October*, inspect any Valuation Roll and make Extracts therefrom for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every Officer having the Custody thereof is hereby required to permit such Inspection and the making of such Extracts without Payment of any Fee.

Persons omitted from Register may claim to be registered.

37. It shall be lawful to any Person other than Persons qualified as Lodgers or as Depositors in Savings Banks, on or before the *Twenty-ninth Day of September* in each Year, to deliver or transmit to the Assessor of the County or the Burgh, as the Case may be, a Notice of Claim in one or other of the Forms in Schedules (C.) No. 3 and (D.) No. 3 to this Act annexed, or in any similar Form, to have his Name inserted in the Register of Voters for such County or Burgh, on the Ground that he is possessed of One or other of the Qualifications required by this Act.

Claimants omitted in List may be enrolled by Sheriff.

38. If any Person who shall have given to the Assessor due Notice of his Claim to have his Name inserted in the Register or List of Persons entitled to vote in the Election of a Member to serve in Parliament for any County or Burgh, shall have been omitted by the Assessor from such Register or List, the Sheriff shall, on the Revision of such Register, insert therein the Name of the Person so omitted, if it shall be proved to the Satisfaction of the Sheriff that such Person is and was, on the *Thirty-first Day of July* last preceding, entitled to be inserted therein in respect of the Qualification described in such Notice of Claim.

Grounds of Objection to any Person on the Register, or claiming to be put on the Register of Voters.

39. It shall be lawful to any Person whose Name shall be entered on the Register of Voters for any County or Burgh to object to the Name of any other Person being inserted or remaining on the Register of Voters for such County or Burgh, provided such Person on or before the *Twenty-ninth Day of September* deliver or transmit to the Assessor of the County or Burgh, as the Case may be, and to the

the Person so objected to a Notice of Objection in the Form No. 6 of the Schedule (C.) to this Act annexed, or in some similar Form.

Sheriff to hold Courts for Revisal and Correction of Register.

40. Every Sheriff shall, between the *Thirtieth Day of September* and the *Fifth Day of November* in each Year, revise and correct the Register of Voters for the County and for the Burghs therein, and for the said Purposes shall hold open Courts at the head Burgh of the County; and shall, on or before the Twentieth Day of September, deliver or transmit to the Sheriff Clerk of the County and the Town Clerk of the Burgh a Notice of the Days on which he is to hold the said Courts; and the Sheriff Clerk of the County and the Town Clerk of the Burgh shall forthwith cause public Notice thereof to be given by Advertisement in at least One Newspaper in common Circulation within such County or Burgh, as the Case may be; and shall also cause Notice to be given to the Assessors of such County or Burgh requiring them to attend at the said Courts respectively for such County and Burgh.

Sheriff Clerks and Town Clerks to produce Registers prepared by Assessors, and Notices of Claim, and Objection.

41. The Sheriff Clerk of every County and the Town Clerk of every Burgh shall lay before the Sheriff, at or prior to the holding of such Court, the respective Registers prepared by the Assessors, and the Notices of Claim and Objections which have been received; and the Assessors shall attend the said Courts respectively; and the Valuation Roll for the Year and that for the Year preceding shall be laid on the Table of the Court by the Person having the Custody of the same; and the Sheriff may require the Production of all Documents in the Hands of any Sheriff Clerk, Town Clerk, Clerk of Supply, or Assessor, which he may think necessary.

Assessor to maintain the Register of Voters and answer Objections thereto; and Claims and Objections to be disposed of.

42. It shall be the Duty of every Assessor in attendance on any of the said Courts to maintain the Register of Voters prepared by him, and to answer, so far as he can, any Objections made thereto either of the undue Omission or of the undue Insertion of the Name of any Person in such Register; and it shall be lawful to every Person who shall have given any Notice of Claim or any Notice of Objection to support the same before the Court by himself, his Agent or Mandatory; but no Claim or Objection shall be supported on any Ground inconsistent with the Valuation Roll, or with any Particulars entered therein, as to all which the said Roll shall be final and conclusive; and the Sheriff shall decide on such Claims and Objections summarily, and without any Record or written Pleadings, and shall, if necessary, alter the Register in conformity with such Decision, and such Decision shall be final, excepting as herein-after provided; and every Mandate produced to the Court, and bearing to be signed by any Person entitled to give

or to support any Notice of Claim or of Objection shall be primâ facie a sufficient Mandate, and shall have all the Privileges of a judicial Mandate.

Sheriffs may grant Warrant to cite Parties, Witnesses, and Havers, and Diligence for Recovery of Writings.

43. It shall at all Times be competent to any Sheriff acting under the first-recited Act or this Act, upon ex parte Application made to him to that Effect by any Claimant, Objector, or Appellant, to grant Warrant to cite Parties, Witnesses, and Havers, and to grant Diligence for the Recovery of Writings with reference to any Claim, Objection, or Appeal to be discussed before any Court of Registration to be holden within his Jurisdiction.

If more than One Assessor in any County, Sheriff Substitute may hold Registration Court at the same Time with the Sheriff.

44. Where in any County or Counties under the Jurisdiction of One Sheriff there shall be more than One Assessor within the meaning of this Act, it shall be lawful to the Sheriff, if he shall think fit, to appoint Courts for Registration to be held in One of the said Counties, or in some Part or District thereof, by any Sheriff Substitute of the same, at the same Time with the Court of Registration held by himself in any other County or in any other Part or District; and such Sheriff Substitute, and the Assessor for such County, or for such Part or District, and for every Burgh within such County or District, and every Sheriff Clerk, Town Clerk, or other Officer for such County, District, or Burgh, shall have, as regards such other Courts of Registration, the whole Powers and Duties respectively of any other Sheriff, Assessor, Sheriff Clerk, Town Clerk, or other Officer; and the Sheriff of such County or Counties may in such Case make or give such Regulations or Instructions as shall seem to him necessary or expedient in order to give effect to this Provision.

Sheriffs may adjourn Registration Courts, but to conclude Business by 5th November annually.

45. Every Sheriff holding any of the said Courts shall have Power to adjourn the same from Time to Time, and from the head Burgh to any other Place within the same County, but so that no such adjourned Court shall be holden after the *Fifth Day of November* in any Year.

Sheriff Clerks to print County Lists and authenticate them.

46. The Sheriff, on the *Fifth Day of November* in each Year, or sooner if the Court for Registration shall be earlier concluded, shall authenticate the Register by subscribing the same; and the Sheriff Clerk of every County shall forthwith, or sooner if the Court for Registration shall be earlier concluded, cause the Register of Voters for such County, signed as aforesaid, to be copied and printed in a Book or Books, arranged with the Names in each Parish in strict alphabetical Order according to the Surnames, and with every Polling District in alphabetical Order, and with every Parish within

within the said Polling District likewise in alphabetical Order; and shall after the Register for such Polling Districts insert an additional Register, in like alphabetical Order, of all Persons whose Names shall not appear in any of said Lists for such Polling District, but who shall, in manner herein-before mentioned, have been registered to vote at the Polling Place of such last-mentioned District; and shall in the said Book prefix to every Name its proper Number, beginning the Numbers from the First Name and continuing them in a regular Series down to the last Name: Provided always, that a Number as aforesaid shall be prefixed to the Name of every Person in every such additional List inserted after the last List for every Polling District as aforesaid; and no Number, but an Asterisk only, shall be prefixed to the Name of the same Person in the List of the Parish in which his Name originally appeared; and every such Book shall be printed and arranged in such Manner and Form that the List of Voters of and for each and every separate Parish and Polling District contained therein may be conveniently and completely cut out or detached from all the other Lists of Voters contained in the same Book, so that all the Lists for every or any Polling District, or the List of every or any single Parish, may be ready for the Purposes of this Act or for Sale; and the said Sheriff Clerk shall, on or before the Thirtieth Day of November of the then current Year, sign the said Book or Books, and retain the same for the Purposes hereinafter and in the said first-recited Act mentioned.

Town Clerks to print Burgh Registers, and authenticate them.

47. The Town Clerk of every Burgh shall forthwith, after the Fifth Day of November in each Year, or sooner if the Registration Court shall be earlier concluded, cause the Register of Voters for such Burgh, signed as aforesaid, to be copied and printed in a Book arranged in Wards (where the Burgh is divided into Wards), and in Polling Districts each Ward or Polling District being arranged, as far as conveniently may be, in the alphabetical Order of Streets, Squares, Lanes, and other Places in which Houses are distinguished by Numbers, and in which the Subjects of Qualification are situate, and each such Street, Square, Lane, and other Place being arranged according to the Numbers of the Houses, commencing with the lowest and ending with the highest Number on each Side; and the Arrangement in all Places in which the Houses are not distinguished by Numbers being according to the alphabetical Order of the Surnames of Persons registered as Voters; and the said Books shall be so arranged and printed that the List of Voters of and for each and every separate Ward, and each and every separate Polling District, may be cut out or detached and ready for the Purposes of this Act or for sale as aforesaid; and the said Town Clerk shall prefix to every Name in the said Register Book its proper Number, beginning

the Numbers from the First Name, and continuing them in a regular Series down to the last Name, and shall cause the said Book to be printed off as so corrected; and the said Town Clerk shall sign the said Book so completed, and deliver the same on or before the *Thirtieth Day of November* to the Sheriff of the County, that they may be kept under his Direction by the Sheriff Clerk of the County for the Purposes herein-after and in the said first-recited Act mentioned.

Register so printed to be the Register of Voters.

48. The said printed Book or Books so signed as aforesaid by the Sheriff Clerk or Town Clerk of any County or Burgh respectively shall be the Register of the Persons entitled to vote at any Election of a Member to serve in any Parliament which shall take place in and for the same County or Burgh respectively, between the *Thirtieth Day of November* in the Year wherein such Register shall have been made and the *First Day of December* in the succeeding Year; and the Sheriff Clerk of every County and the Town Clerk of every Burgh shall keep printed Copies of such Register for such County and Burgh respectively, and shall deliver such Copies of such Register, or of any Part thereof, to any Person applying for the same upon Payment of a Price after the Rate contained in the Table No. 2 of the Schedule (E.) hereunto annexed: Provided always, that no Person shall be entitled to a Copy of any Part of any Register relating to any Parish or Polling District of a County, or any Ward, or Polling District of a Burgh, without taking or paying for the whole that relates to such Parish, Ward, or Polling District respectively: Provided also, that the Register of Electors now existing shall be the Register in force for Elections of Members to serve in Parliament until the *First Day of December in the Year One thousand eight hundred and sixty-six.*

Register of Voters to be in force till new Register established.

49. Every Register of Voters established, or that shall be established for any County or Burgh, shall continue to be the Register for such County or Burgh until the same shall be revised and a new Register completed pursuant to this Act, and shall for all Purposes come in place of the Register directed to be completed by the first, third, and fourth recited Acts.

How Distances to be measured.

50. The Distance of Seven Statute Miles in this Act prescribed as to the Residence of Voters for any Burgh shall be understood to be the Distance of Seven Miles as measured in a straight Line on the horizontal Plane from any Point from which such Distance is to be measured according to the Direction in that Behalf given in said Act: Provided that if there is now or shall hereafter be a Map of any Burgh and of the Country surrounding the same drawn or published under the Authority and Direction of the Principal Officers of

of Her Majesty's Ordnance, such Distance may be measured and determined by the said Map.

Persons dissatisfied with Judgment of Sheriff may appeal on Points of Law to Lords Ordinary.

51. If any Person whose Name shall have been deleted from the Register by the Sheriff, or who shall claim or object before the Sheriff at any Court, shall consider the Decision of the Sheriff on his Case to be erroneous in point of Law, he may either himself, or by some Person on his Behalf, in open Court, declare his Intention to appeal against the same, and require the Sheriff to state the Circumstances of the Case, and such Question of Law, and his Decision thereon, in a Special Case; and the Sheriff, unless he shall consider such Question to be frivolous or immaterial, or to involve a Question of Fact, shall prepare and sign such Case, and deliver the same in open Court to the Sheriff Clerk; and such Person, or some Person on his Behalf, may, within *Ten Days* of the Date of such Case, lay a certified Copy thereof before the senior Lord Ordinary and the Lord Ordinary in Exchequer Causes in the Court of Session for their Opinion thereon; and the said Judges shall, with all convenient Speed, give their Decision thereon, and shall confirm or reverse the Decision of the Sheriff; and in the event of Reversal, the Register shall be forthwith altered accordingly by or at the Sight of the Sheriff; and if it shall appear to the Sheriff that his Judgment respecting the Qualifications of any Two or more Persons brought under his Consideration depends on the same Question of Law, he shall append to such Special Case the Names of all such Persons, and the Decision of the said Judges on such Special Case shall extend and apply to the Qualifications of all such Persons in like Manner as if a separate Appeal had been taken in the Case of each of them.

Dependence of Appeal not to affect Right of voting, and the Decision upon a depending Appeal not to affect Poll.

52. The Right of voting at any Election of a Member or Members to serve in Parliament shall not be affected by any such Appeal depending at the Time of issuing the Writ for such Election, but it shall be lawful for every Person to exercise the Right of voting at such Election as effectually and every Vote tendered thereat shall be as good as if no such Appeal were depending; and the subsequent Decision in any Appeal which shall be depending at the Time of the issuing of the Writ for any such Election shall not, in any way whatever, alter or affect the Poll taken at such Election, or the Return made thereat by the Returning Officers.

Penalty on Persons not attending Registration Courts when required.

53. Any Person who shall wilfully refuse or neglect, when duly required by any Sheriff, to attend as a Witness or a Haver before such Sheriff at any Court to be holden under this or the first-recited Act shall be liable to pay, by way of Fine, for every such Offence a

Sum of Money not exceeding *Five Pounds*, nor less than *Twenty Shillings*, to be imposed by and at the Discretion of such Sheriff.

Sheriffs may award Costs, and Witnesses and Havers to be paid their Expenses.

54. It shall be competent to every Sheriff to award Expenses against any Person maintaining any merely frivolous Objection to the Registration of any Voter, or to his Title to remain on the Register, and such Expenses may be recovered in like Manner as any Expenses awarded by any Sheriff in an ordinary Action; and all Witnesses and Havers who may be cited as such under the Provisions of this Act shall have the same Title to demand from the Person citing them, or causing them to be cited as such Witnesses or Havers, their reasonable Expenses as any Witness or Haver cited as such to any ordinary Civil Court.

Penalties on Assessors and others for Neglect of Duty.

55. Any Assessor of any County or Burgh who shall wilfully refuse or neglect to make out any List, or who, in making out any List of Voters, shall wilfully and without any reasonable Cause omit the Name of any Person duly qualified to be inserted in such List, or who shall wilfully or without any reasonable Cause insert in such List the Name of any Person not duly qualified, or who shall wilfully refuse or neglect to publish any Notice, or List, or Copy of any Register of Voters at the Time and in the Manner required by this Act, and any Sheriff Clerk or Town Clerk who shall culpably neglect to print a correct Register of Voters pursuant to this Act, and any Assessor, Sheriff Clerk, or Town Clerk who shall be wilfully guilty of any other Breach of Duty in the Execution of this Act shall for every such Offence be liable to pay, by way of Fine, a Sum of Money not exceeding *Five Pounds*, nor less than *Twenty Shillings*, to be imposed by and at the Discretion of the Sheriff.

Penalties to be applied for the Purposes of this Act.

56. Every Sheriff, when and so often as such Sheriff shall impose any such Fine as aforesaid, shall at the same Time in open Court, by an Order in Writing stating the Sum payable for such Fine, direct by and to whom and when the same shall be paid, and the Person to whom the said Sum shall be so ordered to be paid shall receive the same, and in every Case where the Offence for which such Fine shall have been imposed shall relate to the Formation of the Register of Voters for any County or Burgh, he shall pay over the Sum so received by him to the Assessor of such County or Burgh, as the Case may be, for the Purposes of this Act.

Accounts to be kept of Monies received under this Act.

57. The Sheriff Clerk of every County and the Town Clerk of every Burgh respectively shall keep an Account of all Monies received by him for or on account of the Sale of any Copies of the Register as aforesaid or otherwise under this Act, and shall account for and pay

pay over the same to the Assessor of such County or Burgh, as the Case may be, for the Purposes of this Act; and in like Manner every Assessor in every County and Burgh shall keep an Account of the Monies received by him from the Sale of any Lists or otherwise under this Act, and shall account for and pay over the same for the Purposes of this Act to the Assessor specially appointed as aforesaid.

Expenses of annual Registrations, how to be defrayed.

58. As soon as may be after the Completion of each annual Registration under this Act the Commissioners of Supply of each County and the Magistrates of each Burgh shall cause an Account to be made up of the Costs and Expenses attending such annual Registration in such County and Burgh respectively, and shall ascertain and fix the just Amount thereof, including therein any Remuneration to Assessors and Town Clerks respectively which they may deem proper, and shall also cause an Account to be made up of all Monies which shall have come to the Hands of the Assessor of such County or Burgh respectively, or other Person under this Act, for the Purposes of this Act, and shall ascertain and fix the just Amount thereof; and where the Amount of the Costs and Expenses so ascertained and fixed shall exceed the Amount so ascertained and fixed of the Monies received for the Purposes of this Act, the said Commissioners of Supply and Magistrates respectively shall cause the Amount of such Excess to be apportioned upon the Parishes within such County and Burgh respectively according to the yearly Rent or Value thereof; and the same shall be assessed and levied along with the Assessment for the Relief of the Poor for the current Year within such Parishes respectively, or they shall cause the Amount of such Excess, along with such reasonable Sum as they may deem necessary to meet the Expenses of Collection, to be assessed and levied and collected in some other of the Modes allowed by the said Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one; and any Balance of Funds remaining on hand from Time to Time in any County or Burgh arising from such Assessment under this Act in any One Year, after answering the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the Commissioners of Supply of each County and the Magistrates of each Burgh respectively in such Manner as they may deem fit for defraying the Expenses of Registrations under this Act in subsequent Years, but for no other Uses or Purposes whatever: Provided always, that no County or Burgh shall be liable under this Act for any Expenses heretofore defrayed in Exchequer, or which, under the Provisions of this Act, may come in lieu of such Expenses; provided also, that

that nothing herein contained shall alter the Provisions of an Act passed in the Twentieth and Twenty-first Year of the Reign of Her Majesty, Chapter Fifty-eight, to amend the said Valuation Act.

Register to be conclusive Evidence of Qualification.

59. At every future Election for a Member or Members to serve in Parliament for any County or Burgh, or District of Burghs, the Register of Voters so made as aforesaid shall be deemed and taken to be conclusive Evidence that the Persons therein named continue to have the Qualifications which are annexed to their Names respectively in the Register in force at such Election.

County Voters may be transferred from one Polling District to another.

60. Any Person whose Name shall appear in the List of Voters of any Parish in and for any County, and whose Place of Abode shall not be within the Polling District at which such Parish shall be allotted to poll, but within the same County, shall be at liberty to make his Claim before the Sheriff to vote at the Polling Place of the District wherein his Place of Abode may be situate; and any Person whose Name shall appear in any such List, and whose Place of Abode shall not be within the same County, shall be at liberty in like Manner to make his Claim to vote at the Polling Place of any District within the same County; and every such Person shall make his Claim in Writing under his Hand, and such Claim shall be delivered to and verified before the Sheriff, and it shall then be lawful for the Sheriff to insert in the List of Voters in which the Name of such Person shall appear as aforesaid, against the Name of such Person, the Name of the Polling Place at which such Person shall be registered to vote; and such Person so registered shall be admitted to vote at every contested Election for the said County at the said last-mentioned Polling Place, and not elsewhere, anything in the said recited Acts to the contrary notwithstanding.

Polling Places in Counties to be re-adjusted.

61. It shall be the Duty of the Sheriff of every County in Scotland on or before the Fifth Day of November next, and from Time to Time thereafter, to adjust the Number and Situation of the Polling Places in such Counties and the Districts to be attached thereto; and he shall, within Fifteen Days thereafter, give Notice by Advertisement and otherwise, as he shall think proper, of the Situation of such Polling Places as he proposes to appoint, and shall within the same Period transmit to One of Her Majesty's Principal Secretaries of State a List of such Polling Places; and it shall be lawful to any Person whose Name is on the Register as a Voter for such County to state to the Sheriff, or to the Secretary of State, any Objections

to

to the Number, Nature, or Situation of such Polling Places; and the Secretary of State may approve of such List, or may alter the same after such Inquiry as he may think proper; and the Sheriff shall thereafter duly advertise and publish the said List of Polling Places throughout the County, and appoint the same to be the Polling Places for the Purposes of any Election of a Member to serve in Parliament for such County.

Who to vote for Members of the Universities of Scotland.

62. Every Person not subject to any legal Incapacity who shall be a Member of the General Council of any One of the Universities of Scotland herein-before mentioned, and whose Name shall have been registered in the Book or Register of the Members of the General Council thereof not later than the Day of next preceding the Day on which the Writ for any Election shall have been received by the Returning Officer for the said Universities, shall be entitled to vote in the Election of a Member to serve in Parliament for the said Universities; and it shall not be competent to inquire at such Election into any other Facts except these, that the Person tendering the Vote is truly the Individual described in the said Book or Register, and that he has not previously voted at that Election: Provided always, that the Inquiry into these Facts shall, on this Occasion, be confined to the putting to the Person so tendering his Vote, if the Pro-Vice Chancellor in charge of the Polling Place shall be required to do so on Behalf of any Candidate, an Oath, or, if he be a Quaker or Moravian, a solemn Affirmation in the Form in the Schedule (A.) hereunto annexed.

Each Voter to poll at the Polling Place of his own University.

63. Every Person entitled under this Act to vote at the Election of a Member to serve in Parliament for the said Universities shall poll at a Polling Place for the University of which such Person is a Member, to be appointed under this Act by the Vice Chancellor thereof.

Writ to be directed to the Vice Chancellor of the University of Edinburgh, who shall fix and notify the Day of Election.

64. Every Writ for the Election of a Member to serve in Parliament for the said Universities shall be directed to the Vice Chancellor of the University of Edinburgh and shall be proclaimed by him at Edinburgh as herein directed; and such Vice Chancellor shall endorse on the Back of the Writ the Day on which he received it, and shall within *Three Days* thereafter announce a Day and Hour (which Day shall not be less than Eight nor more than Fourteen Days after that on which the Writ was received), and a Place within the City of Edinburgh, for such Election, and give Intimation thereof in Writing to the Vice Chancellor of each of the Universities

versities of St. Andrews, Glasgow, and Aberdeen; and shall also give Intimation thereof by Advertisement in such Newspaper or Newspapers as he shall deem expedient: Provided always, that in the Absence of the Vice Chancellor, or if the Office of Vice Chancellor shall be vacant, the Duties here imposed on the Vice Chancellor shall be performed by the Sheriff or by any Sheriff Substitute of the County to which such University belongs, who shall in that respect, but in no other, act for the Time as Vice Chancellor.

Order of Proceedings at Elections for Universities.

65. On the Day so to be named by the Vice Chancellor of the University of Edinburgh for such Election, such Vice Chancellor shall repair to the said Place of Election, to which Place all Persons entitled to vote in such Election shall in the foresaid Advertisement be invited to repair upon the Day and at the Hour named, and the said Vice Chancellor shall there proclaim the Writ by reading it; and if no more than One Candidate shall at the Time of such Proclamation be proposed for the Choice of the Electors, he shall, upon a Show of Hands, forthwith declare the Person so put in Nomination to be duly elected; it being always competent for any Person entitled to vote in such Election under this Act to repair to the Place where the Writ is thus proclaimed and to put any Person in Nomination; and if more than One Candidate shall be proposed, and a Poll shall be demanded, the Proceedings shall be adjourned for not less than Three nor more than Five free Days, exclusive of Saturdays and Sundays; and the Vice Chancellor of the University of Edinburgh shall forthwith send a written or printed Notice to the Vice Chancellors of the Universities of St. Andrews, Glasgow, and Aberdeen respectively of a Poll having been demanded, and also of the Day on which it is to begin, and shall also give public Intimation thereof by Advertisement in such Newspaper or Newspapers as he shall deem expedient; and each Vice Chancellor of the foresaid Universities of Scotland shall appoint One or more Polling Places for the University of which he is Vice Chancellor, and shall also appoint One or more Pro-Vice Chancellors, any One of whom may receive the Votes and decide upon any Questions arising at the Poll; and all Polls shall be taken at each such Polling Place under the Superintendence of a Pro-Vice Chancellor; and each Vice Chancellor shall have Power to appoint Poll Clerks and other necessary Officers, with the Concurrence of the Candidates, if they can agree, and by himself alone in case of their not agreeing; and each Pro-Vice Chancellor in charge of a Polling Place shall take care that the Poll Clerk attending at such Polling Place has with him a Copy, signed and certified by the Keeper thereof, of the Register

gister of Members of the General Council in force for the Time being in the University to which such Polling Place is attached, arranged alphabetically, and shall receive the Votes of all Persons then qualified to vote in Terms of this Act, and shall record and progressively number each Vote for each Candidate in a Poll Book; and he and the Poll Clerk shall subscribe their Names to each Page of the said Book before making or allowing to be made any Entry in the succeeding Page; and the Poll Book or Books shall, at the Close of the First and Second Day's Polling respectively, be publicly sealed up by the said Pro-Vice Chancellor and Poll Clerk, and be taken charge of by the said Pro-Vice Chancellor; and on the Commencement of the Poll of the Second and Third Days respectively, he shall publicly break the Seals, and then proceed as formerly; and immediately after the Poll at his Polling Place is finally closed, he shall forthwith seal up and transmit or deliver the said Poll Books to the Vice Chancellor under whose Authority he acts; and the Vice Chancellor (not being the Vice Chancellor of the University of Edinburgh) shall forthwith transmit the same to the Vice Chancellor of the University of Edinburgh, who shall, on the Day next but One after the Close of the Poll (unless such Day shall be Sunday, and then on the Monday following), openly break the Seals of the whole Poll Books, and cast up the Number of Votes as they appear on the several Books, and shall openly declare the State and Result of the Poll, and make Proclamation of the Member chosen not later than Two o'Clock of the Afternoon of the said Day, and shall forthwith make a Return in the Form of similar Returns as presently used (as nearly as may be), in Terms of the Writ, under his Hand and Seal to the Clerk of the Crown in England, and if the Votes be equal he shall make a double Return.

Polls to be kept open Three Days.

66. The Poll at each Election for the Universities of Scotland shall commence at Eight o'Clock in the Morning of the Day on which it is directed to begin, and may continue for not more than *Three Days*, Sunday being excluded; but no Poll shall be kept open later than Four o'Clock in the Afternoon, and the Poll at any One Place may be closed before the Termination of the said *Three Days* if all the Candidates, or their Agents, and the Pro-Vice Chancellor in charge of such Polling-Place shall agree in so closing it.

Expenses of executing Writs, &c. to be paid.

67. Every Vice Chancellor of a University in Scotland shall be allowed in Exchequer such Monies for executing Writs for Elections under this Act as are allowed to Sheriffs, and all Halls, Rooms, and other Places hired or prepared for taking the Polls under this

this Act shall be so hired or prepared by Contract with the Candidates, or, if they cannot agree, by the Vice Chancellor of each University respectively, at the Candidates joint and equal Expense: Provided always, that the Expense of such Hiring or Preparation, at any One Polling Place, shall not exceed the Sum of *Ten Pounds;* and the Candidates shall further be bound to pay and contribute among them to each Poll Clerk *One Guinea* per Day, and in like Manner to contribute and pay a certain Fee to each Pro-Vice Chancellor appointed under this Act for superintending the Polls, the Amount of which Fee shall in no Case exceed the Sum of *Three Guineas* per Day for each such Pro-Vice Chancellor; and the Candidates, in all Cases where a Poll has been demanded, shall in like Manner be bound to defray the necessary Expenses incurred by the Vice Chancellors, Pro-Vice Chancellors, Poll Clerks, and other Officers in the Transmission of Intimations, Poll Books, or other Communications required or enjoined by this Act; and if any Person shall be proposed as a Candidate without his Consent, the Person so proposing him shall be liable to defray his Share of all these Expenses in like Manner as if he had been a Candidate himself.

Person guilty of Personation to be punished.

68. If at any Election of a Member to serve in Parliament any Person shall knowingly personate and falsely assume to vote in the Name of any other Person whose Name appears on the Register of Voters then in force, whether such other Person shall then be living or dead, or if the Name of the said other Person be the Name of a fictitious Person, every Person so personating or assuming to vote as aforesaid shall be guilty of an Offence, and on being convicted thereof before any Sheriff having Jurisdiction in the Place where the said Person shall have voted shall be punished by Imprisonment for a Term not exceeding *Two Years*, together with Hard Labour.

Refusal of Certificate in case of Deposit in Savings Bank.

69. If any Person whose Certificate is required under this Act in support of the Claim of a Person to vote in respect of a Qualification as Depositor in a Savings Bank wilfully refuses to give such Certificate, he shall, on summary Conviction, be liable to a Penalty not exceeding *Five Pounds;* and the Proceedings against such Person may be at the Instance of the Person who has been refused such Certificate, and may be instituted before the Sheriff under the Provisions of the "Summary Procedure (Scotland) Act, 1864."

70. Any

Offences in respect of false Certificates.

70. Any Person who wilfully gives any Certificate required by this Act falsely, or forges, counterfeits, or alters any such Certificate, or any Signature thereto, or knowingly makes use of, in support of a Claim to vote, any false Certificate, or any forged, counterfeited, or altered Certificate, or wilfully makes any false Statement in any Claim, or makes any false Declaration in respect of any Claim made under the Provisions of this Act, shall be guilty of an Offence, and on being convicted thereof shall be liable to Imprisonment with Hard Labour for a Term not exceeding *Two Years*.

Abettors to be punished as Principals.

71. Every Person who shall aid, abet, counsel, or procure the Commission of any such Offences shall be liable to be prosecuted and punished as a principal Offender.

Duty of Polling Sheriff where one Vote has been received and another tendered on same Qualification.

72. In case the Vote of any Person shall have been received, and any other Person shall afterwards tender his Vote as being registered in respect of the same Qualification, stating at the Time the Name or Names of the Candidate or Candidates for whom he tenders such Vote, the Polling Sheriff shall enter upon the Poll Book every Vote so tendered, distinguishing the same from the Vote admitted and allowed at such Election, provided such Person shall duly make the Oath herein-before authorized to be administered to any Voter at the Time of tendering his Vote.

Provision for safe Custody of Poll Books.

73. At every contested Election of a Member to serve in Parliament for any County or Burgh, the Sheriff acting as Returning Officer, after having declared the State of the Poll and made Proclamation of the Member chosen to serve in Parliament in the Manner provided for by the first-recited Act, shall forthwith enclose and seal up the several Poll Books, and tender the same to each of the Candidates, to be sealed by them or their known Agents respectively; and in case any Candidate shall neglect or refuse to seal the same, the said Sheriff shall thereupon endorse on the Package containing the said Poll Books the Fact of such Neglect or Refusal; and every such Sheriff acting as Returning Officer shall, as soon as possible after such Proclamation as aforesaid, cause the Poll Books so sealed as aforesaid, directed to the Clerk of the Crown in England, to be delivered to the Postmaster, or Deputy Postmaster, or other Chief Officer of the Post Office of the Burgh or Place where such Proclamation shall have been made as aforesaid, who, on Receipt thereof, shall give an Acknowledgment in Writing of such Receipt to such Sheriff, expressing therein the Time of such Delivery, and shall keep a Duplicate of such Acknowledgment signed by such Sheriff; and the said Postmaster, or Deputy Postmaster, or other Chief Officer of the Post Office,

shall despatch all such Poll Books so sealed and directed as aforesaid by the First Post or Mail after the Receipt thereof to the General Post Office in London; and the Postmaster or Postmasters General are hereby directed, immediately on Receipt of such Poll Books, to convey the same to the Crown Office, and to deliver the same there, so sealed as aforesaid, to the said Clerk of the Crown or his Deputy; and the said Clerk of the Crown or his Deputy is hereby required to give to such Postmaster or Postmasters General delivering the same a Memorandum in Writing acknowledging the Receipt of such Poll Books, and setting forth the Day and Hour when the same were delivered at the Crown Office; and the said Clerk of the Crown or his Deputy is hereby required, immediately on Receipt of such Poll Books, to register the same in the Books of the said Crown Office, and to endorse thereon the Day and Hour upon which he received the same; and every such Sheriff is hereby required, at the Time of transmitting such Poll Books as aforesaid through the Post Office, to address and forward a Letter by the same Post or Mail, to the said Clerk of the Crown, informing him of such Transmission, and giving the Number and Description of such Poll Books so transmitted.

Office Copies of Poll Books to be Evidence.

74. Office Copies issued by the Clerk of the Crown or his Deputy of such Poll Books shall be taken as Evidence in all Courts of Law in Actions for Bribery or Personation, or for any other Purpose whatsoever.

Clerk of the Crown to preserve Poll Books;

75. The said Clerk of the Crown shall keep and preserve the said several Poll Books, and shall deliver to any Person applying for the same an Office Copy of all or any Part of such Poll Books on Payment of a reasonable Charge for writing the same, and shall also permit any Person to inspect such Poll Books.

And to produce them before Election Committee if required.

76. The said Clerk of the Crown shall, upon receiving a Warrant signed by the Chairman of any Committee of the House of Commons appointed for the Trial of controverted Elections, produce by himself or his Agent before such Committee the said several Books so deposited with him as aforesaid, and such Production shall be sufficient primâ facie Proof of the Authenticity of the said Poll Books.

Power to Committee on Election Petitions to decide as to Right of voting.

77. Upon any Petition to the House of Commons complaining of an undue Election or Return of any Member to serve in Parliament, it shall be lawful for any Select Committee appointed for the Trial of such Petition to inquire into and decide upon the Right to vote

vote of any Person who, being upon the Register of Voters in force at the Time of such Election, shall have voted in such Election, so far as the same may be disputed on the Ground of personal Incapacity at the Time of his voting, under and by virtue of any Statute now or hereafter to be in force, but except in such Case or on such Ground as aforesaid the Register of Voters in force at the Time of such Election shall, so far as regards the Proceedings before such Committee, be final and conclusive to all Intents and Purposes as to the Right to vote in such Election of every Person who shall be upon the Register.

Misnomer not to vitiate.

78. No Misnomer or inaccurate or defective Description of any Person, Place, or Thing named or described in any Schedule to this Act annexed, or in any List or Register of Voters, or in any Notice required by this Act, shall in any way prevent or abridge the Operation of this Act with respect to such Person, Place, or Thing, provided that such Person, Place, or Thing shall be so denominated in such Schedule, List, Register, or Notice, as to be commonly understood; and it shall be lawful to any Sheriff, in his Registration Court, if it shall appear to him that there has been no wilful Purpose to mislead or deceive, or that such Misnomer or inaccurate or defective Description was not such as to mislead or deceive, to allow any verbal, clerical, or casual Error in any such Schedule, List, Register, or Notice, to be corrected or supplied.

Interpretation Clause.

79. The following Words and Expressions when used in this Act shall, in the Construction thereof, be interpreted as follows, except when the Nature of the Provision or the Context shall exclude or be repugnant to the said Construction; (that is to say,) the Expression "the Assessor" shall mean the Assessor of the County or Burgh in and for which he is Assessor appointed under the aforesaid Act of the Seventeenth and Eighteenth Years of Her present Majesty, being also the Assessor specially appointed in Terms of this Act; where such last-mentioned Appointment has been made, the Words "Assessor" or "Assessors" shall mean the Assessor or Assessors appointed under the last-mentioned Act, of the County or Burgh in and for which such Assessor or Assessors act, whether specially appointed under this Act or not; the Word "Burgh" shall extend to and include any City, Burgh, or Town entitled to send, or to contribute to send, a Member or Members to serve in Parliament, and as the same is limited and bounded by the first-recited Act; the Word "Sheriff" shall include Sheriff Substitute; the Words "Sheriff Clerk" shall extend and apply to any Person executing the Duties of such "Sheriff Clerk;" the Words "Town Clerk" shall extend and apply to any Person executing the Duties of such Town Clerk, or if in any Burgh there shall be no such Officer as Town Clerk, then to any

17 & 18 Vict. c. 90.

Officer executing the same or the like Duties as usually devolve upon the Town Clerk, or if in any Burgh there be no such Person, then such Person as the Sheriff of the County in which such Burgh is situated may appoint for that Purpose, which he is hereby authorized to do.

Writs, &c. to be made conformable to this Act.

80. All Writs to be issued for the Election of Members to serve in Parliament, and all Mandates, Precepts, Instruments, Proceedings, and Notices consequent upon such Writs shall be framed and expressed in such Manner and Form as may be necessary for the carrying the Provisions of this Act into effect.

Saving of existing Registers.

81. Nothing herein contained shall affect the Right which any Person may have acquired of voting at the Election of a Member or Members to serve in Parliament for a County or Burgh in pursuance of any Register of Voters in force at the Time of the passing of this Act, so long as such Voter retains the Qualification in respect of which he is registered at the Time of the passing of this Act.

Acts relative to Elections to remain in force except when superseded by this Act.

82. All Laws, Statutes, Usages, Provisions, and Penalties now in force respecting the Election of Members to serve in Parliament for Scotland, except in so far as the same are hereby repealed or are inconsistent with the Provisions of this Act, shall be and remain in full Force, and shall apply as well to the Election of Members to serve in Parliament in pursuance of this Act as to other Elections of Members to serve in Parliament.

Short Title.

83. This Act may in all Proceedings be quoted as "The Parliamentary Representation (Scotland) Amendment Act, 1866."

SCHE-

SCHEDULES referred to in foregoing Act.

SCHEDULE (A.)

I, *A.B.*, do solemnly swear (*or* affirm) that I am the same Person whose Name appears on the Register of Voters now in force for the County of (*or* for the City or Burgh of , *or* for the University of , *as the Case may be*), and that I have not before voted at this Election.

SCHEDULE (B.)

No.	Description of Subject.	Proprietor.	Occupier.	Tenant.			Rent payable under such Lease.	Feu Duty or Ground Annual.	Feu Duty, &c., to whom payable.	Yearly Rent or Value.				
				Not under Lease of 19 Years or upwards.	Under Lease of 19 Years and less than 57 Years.	Under Lease of 57 Years or upwards.				1860.	1861.	1862.	1863.	1864.
1	Farm of -	A.B. of C .	E.F., residing at .	—	G. H., residing at .	—	£10 10*s.*	—	—	£60	—	—	—	—
	—	—	—	—	—	—	—	—	—	—	£60	—	—	—
	—	—	—	—	—	—	—	—	—	—	—	£65	—	—
	—	—	—	—	—	—	—	—	—	—	—	—	£65	—
	—	—	—	—	—	—	—	—	—	—	—	—	—	£65
2	Manor House and Grounds of .	A.B. of C .	L.M., Advocate.	L.M., Advocate	—	—	—	—	—	£40	—	—	—	—
	—	—	O.P. of Q .	—	—	—	—	—	—	—	£40	—	—	—
	—	—	—	—	—	—	—	—	—	—	—	£40	—	—
	—	—	—	—	—	—	—	—	—	—	—	—	£40	—
	—	—	—	—	—	—	—	—	—	—	—	—	—	£40

SCHEDULE (C.)

No. 1.

County of

The List of Persons entered in the Register of Voters in the County of who have died or become disqualified, and of Persons who have become entitled to vote in the Election of a Member of Parliament for the said County in respect of Lands or Heritages situate in whole or in part within the following Parishes:—

(1.) Parish of

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Dead, or become disqualified.	Nature of Qualification.	Street, Lane, or other Place where the Property is situate, and Number of House (if any), or Name of Property, and the Name of the Tenant; or if the Qualification be a Feu Duty, then the Names of the Owners of the Property out of which such Feu Duty is payable, or some of them; and the Situation of the Property.
C.D.	of G.			
E.F.	residing at			

(Signed) *A.B.*,
Assessor of the County of

No. 2.

List of Persons claiming to vote in the Election of a Member of Parliament for the County (*or* Burgh) of in respect of being qualified as a Depositor in a Savings Bank.

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Place of Abode, with Number of House, Name of Street, &c. (if any).	Nature and Particulars of Qualification.	Number of Certificate annexed. *a*
			Depositor in the Savings Bank of	

a Insert the distinguishing Number of the annexed Certificate.

Burgh of

List of Persons who claim to be Voters in respect of being the Occupiers of Lodgings.

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number (if any) and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent is paid.

No. 3.

FORM of CLAIM in respect of Lands and Heritages to be given to Assessors.

To the Assessor of the County of

I hereby give you Notice, that I claim to have my Name inserted in the Register of Voters for the Election of a Member for the County of , and that the Particulars of my Qualification are stated in the Columns below.

Dated the Day of
in the Year 186 . (Signed) *C.D.*

Christian Name and Surname of Claimant at full Length.	Place of Abode.	Nature of Qualification.	Place where Property is situated.	Parish in which Property is situated.

No. 4.

* FORM of CLAIM in respect of Deposit in Savings Bank.

County of

or

City (*or* Burgh) of

To the Assessor of the County (*or* Burgh) of

I hereby claim to be inserted in the List of Voters as a Depositor in the Savings Bank, and the Particulars of my Place of Abode and Qualification are stated in the Columns below.

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Place of Abode, with No. of House, Name of Street, &c. (if any).	Nature and Particulars of Qualification.	Number of Certificate annexed. *a*
			Depositor in the Savings Bank of	

a Insert the distinguishing Number of the annexed Certificate.

* This Claim must bear Date the First Day of July, or some Day subsequent thereto, and must be delivered to the Assessor, with the Certificate annexed, on or before the Twentieth Day of July.

CERTIFICATE

CERTIFICATE OF DEPOSIT IN SAVINGS BANKS.

Certificate No. 5.

We, the undersigned [being Two of the Trustees [*or* Managers] of the Savings Bank], *or* [I, the undersigned, being an Officer appointed and authorized by the Trustees [*or* Managers] of the Savings Bank for that Purpose], *or* [I, the undersigned, being an Officer appointed by Her Majesty's Postmaster General], do hereby certify that of has a Sum of not less than 50*l.* deposited in the said Bank, and that he has had not less than such Amount so deposited in the said Bank for the Two Years immediately preceding the First Day of July in this present Year.

Dated the Day of 18 .

Signature and Description of Persons signing .

Official Address

NOTE.—The Officers by whom these Certificates are granted must insert a distinguishing Number to each Certificate.

The Certificate must be issued on or subsequently to the First Day of July, and must be delivered to the Overseer, with the Claim, on or before the Twentieth Day of July.

No. 6.

FORM of NOTICE of OBJECTION to be given to ASSESSORS.

To the Assessor of the County (*or* Burgh) of .

I hereby give you Notice, that I object to the Name of the Person or Persons mentioned and described below being retained in the Register of Voters for the County (*or* Burgh) of .

Christian and Surname of the Voter objected to, as described in the List or Register.	Place of Abode, as described in List, or Designation as in Register.	Nature of Qualification as so described.	Street, Lane, or other Place where the qualifying Property is situate, &c., as described in the List or Register.	Parish in which Property is situate.

Dated the Day of
in the Year 186 .

(Signed) *E. F.*
(Place of Abode.)

No. 7.

NOTICE of OBJECTION to be given to PARTIES objected to by any PERSON other than ASSESSORS.

County (*or* Burgh) of , Parish of

To Mr. of

Take Notice, that I object to your Name being retained in the List of Voters for the County (*or* Burgh of)

Dated this Day of (Signed) *E. F.*

186 . (Place of Abode.)

No. 8.

County (*or* Burgh) of .

LIST of PERSONS objected to as not being entitled to have their NAMES entered or retained in the REGISTER of VOTERS for the ELECTION of a MEMBER of PARLIAMENT for the County (*or* Burgh) of .

In respect of LANDS or HERITAGES.

Christian Name and Surname of each Person objected to at full Length	Place of Abode.	Nature of Qualification	Street, Lane, or other Place where the qualifying Property is situate, &c.	Parish in which Property is situate.

No. 9.

In respect of being a DEPOSITOR in a SAVINGS BANK.

Christian Name and Surname of each Person objected to at full Length.	Profession, Trade, or Calling.	Place of Abode, with Number of House, Name of Street, &c. (if any).	Nature and Particulars of Qualification.	Number of Certificate annexed.
			Depositor in the Savings Bank of	

No. 10.

In respect of being OCCUPIER of LODGINGS.

Christian Name and Surname of each Person objected to at full Length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number (if any), and Name of Street.	Name, Description, and Residence of Landlord, or other Person to whom Rent paid.

(Signed) *A. B.*

Assessor of the County (*or* Burgh) of .

SCHE-

SCHEDULE (D.)

No. 1.

The LIST of PERSONS entitled to vote in the Election of a Member (or Members) for the Burgh of

First Polling District.

Second Ward.

High Street.

No. in Street.	Christian Name and Surname of each Voter at full Length.	Occupation.	Place of Abode.	Nature of Qualification.

Alphabetical List.

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Occupation.	Nature of Qualification.	Street, Lane, or other Place where Property is situate.

(Signed) *A. B.*
Assessor of the Burgh of

No. 2.

CLAIM OF LODGER.

Burgh of

To the Assessor of the Burgh of

I hereby claim to be inserted in the List of Voters in respect of the Occupation of the under-mentioned Lodgings, and the Particulars of my Qualification are stated in the Columns below.

LODGER.

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

I, the above-named hereby declare that I was [*or* am] on the First Day of July in this Year, and have been during the Twelve Months immediately preceding, the Occupier of the above-mentioned Lodgings, and that I have resided therein during the Six Months immediately preceding the said First Day of July, and that such Lodgings are of a clear yearly Value, if let unfurnished, of Ten Pounds or upwards.

Dated the Day of

Signature of Claimant _____

Witness to the Signature of the said _____

And I certify my Belief in the Accuracy of the above Claim. _____

Name of Witness _____

Residence and Calling _____

This Claim must bear Date the First Day of July, or some Day subsequent thereto, and must be delivered to the Assessor on or before the Twentieth Day of July.

No. 3.

No. 3.

FORM of NOTICE of CLAIM to be given to ASSESSORS of BURGHS.

To the Assessor of

I hereby give you Notice, that I claim to have my Name inserted in the List made by you of Persons entitled to vote in the Election of a Member (or Members) for the Burgh of , and that the Particulars of my Qualification are stated in the Columns below.

Dated the Day of in the Year 186 .

(Signed) *C. D.*

Christian Name and Surname of Claimant at full Length.	Place of Abode.	Occupation.	Nature of Qualification.	Street, Lane, or other Place where the Property is situate, and Number of the House (if any).

SCHEDULE (E.)

No. 1.

TABLE of RATES of PAYMENT to be demanded and paid for any List, or Copy of a List (other than a Register), where a Payment is required and authorized by this Act.

For any List, or Copy of a List, containing any Number of Persons Names:—

	s.	*d.*
Not exceeding 100 Names - - -	0	6
Exceeding 100 and not exceeding 200 - -	1	0
Exceeding 200 and not exceeding 300 - -	1	6
Exceeding 300 and not exceeding 400 - -	2	0
Exceeding 400 - - - - -	2	6

No. 2.

TABLE of RATES of PAYMENT to be demanded and paid for any Copy of a Register, or Part of any Register, where a Payment is required and authorized by this Act.

For every Copy of any Register or any Parts of any Register containing any Number of Persons Names:—

	s.	*d.*
Not exceeding 1,000 Names - - -	1	0
Exceeding 1,000 and not exceeding 3,000 -	2	6
Exceeding 3,000 and not exceeding 6,000 -	5	0
Exceeding 6,000 and not exceeding 9,000 -	7	6
Exceeding 9,000 - - - -	10	0

Representation of the People (Scotland).

A

B I L L

Further to amend the Laws relating to the Representation in Parliament of the People of Scotland.

(*Prepared and brought in by The Lord Advocate, Mr. Chancellor of the Exchequer, Sir George Grey, and Mr. Solicitor General for Scotland.*)

Ordered, by The House of Commons, *to be Printed, 7 May* 1866.

[Bill 140.]

Under 6 *oz.*

A

BILL

TO

Amend the Law relating to the Qualifications of Revising Barristers.

WHEREAS it is expedient to amend an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled "An Act to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of voting, and to regulate certain Proceedings in the Election of Members to serve in Parliament for England and Wales," so far as it relates to the Qualifications of Revising Barristers: Preamble. 6 & 7 Vict. c. 18. s. 28.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. That, notwithstanding anything in the recited Act, the Appointment of or the holding Office by any Barrister as a Commissioner appointed before or after the passing of this Act, under an Act of [the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Fifty-seven, shall not disqualify such Barrister for the Appointment to or from holding the Office of Revising Barrister. Barrister being a Commissioner under 16 & 17 Vict. c. 57. not disqualified for Appointment as Revising Barrister.

[Bill 208.]

Revising Barristers Qualifications.

A

BILL

To amend the Law relating to the Qualifications of Revising Barristers.

(*Prepared and brought in by Mr. Attorney General, Mr. Solicitor General, and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 5 *July* 1866.

[Bill 208.]

Under 1 *oz.*

Rochdale Vicarage Bill.

ARRANGEMENT OF CLAUSES.

CLAUSES.

1. The Glebe to vest in the Ecclesiastical Commissioners on the next Avoidance.
2. The present Vicar may agree to accept a fixed Income of 4,000*l.* a Year.
3. The Ecclesiastical Commissioners to pay 1,500*l.* a Year to the future Vicars.
4. Regulations as to the Mode of paying the Incomes of Vicars.
5. Augmentations to be provided for the Churches and Chapels mentioned in the Second Schedule.
6. Provision to be made for the Service of the Cemetery.
7. Provision to be made for the Service of the Churches of Calderbrook and of St. Mary Todmorden.
8. Five new Districts to be endowed with 200*l.* a Year each.
9. The Ecclesiastical Commissioners to pay Cost and Expenses and certain other Charges.
10. Annual Proceeds to be carried to the Account of the Rochdale Vicarage Fund, and certain Payments to be made thereout.
11. Deficiency (if any) to be made good out of the Common Fund of the Ecclesiastical Commissioners, subject to Repayment.
12. Application of the Surplus of the annual Proceeds.
13. Mode of determining the Amounts of the Augmentations to be paid by the Ecclesiastical Commissioners.
14. Half the Sittings of augmented Churches to be free.
15. The Ecclesiastical Commissioners may substitute Lands or other Hereditaments vested in them for the Purposes of this Act for any Money Payment.
16. The Ecclesiastical Commissioners to have all legal Powers of enforcing Payments, &c.
17. Repeal of the Special Leasing Acts.
18. The Ecclesiastical Commissioners may sell Land with the Consent of the Bishop, and re-invest the Proceeds.

CLAUSES.

19. The Ecclesiastical Commissioners, with the Consent of the Bishop, may apply Moneys and Stock to make permanent Improvements on the Estate, and to provide Parsonage Houses.
20. The Receipt of the Treasurer or Agent of the Ecclesiastical Commissioners to be a sufficient Discharge.
21. District Parishes to be deemed Vicarages.
22. After the next Avoidance of the Vicarage of Rochdale, certain Patronage to be transferred to the Bishop of Manchester.
23. Confirming the Substitution of Christ Church, Todmorden, for the old Church or Chapel thereof.
24. The old Church of Todmorden to become a Chapel of Ease.
25. Reducing the Number of Churchwardens and Sidesmen of the Parish of Rochdale.
26. Short Title.

SCHEDULES.

A

B I L L

FOR

Vesting the Glebe Lands of the Vicarage of Rochdale in the County of Lancaster in the Ecclesiastical Commissioners for England, and for making Provision for the Endowment of the said Vicarage in lieu thereof; and for the Promotion of other Ecclesiastical Purposes connected therewith.

WHEREAS the Endowment of the Vicarage of Rochdale in the County of Lancaster and the Diocese of Manchester mainly consists of certain Glebe Lands of which the greater Part has been built upon, and the Residue is valuable for Building Purposes, and the annual Proceeds of the said Glebe Lands at present exceed the Sum of Four thousand Pounds, and it is anticipated that such Proceeds will increase in future Years:

And whereas the Rev. John Edward Nassau Molesworth, D.D., is the present Vicar of the said Vicarage, and the Right Rev. Father in God James Prince, by Divine Permission Lord Bishop of Manchester, is the Ordinary thereof, and also the Patron in right of his See:

And whereas for promoting the greater Efficiency of the Established Church it is expedient that upon the First Avoidance of the said Vicarage the Glebe Lands and other Endowments thereof should be vested in the Ecclesiastical Commissioners for England, upon special Trust to provide a fixed annual Sum by way of Endowment for the future Vicars of Rochdale, and annual Sums by way of Augmentation or Endowment of Churches or Chapels already built or hereafter to be built within the Parish of Rochdale, and otherwise for promoting the Efficiency of the Established Church in the Parish of Rochdale and the Diocese of Manchester:

And whereas it is further expedient that Power should be given to the said Rev. John Edward Nassau Molesworth and the said Ecclesiastical Commissioners to bring this Act into operation during his Incumbency:

But inasmuch as such Objects cannot be carried into effect without the Authority of Parliament,

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

The Glebe to vest in the Ecclesiastical Commissioners on the next Avoidance.

1. Upon the First Avoidance of the Vicarage of Rochdale the Glebe Lands, Messuages, Tenements, and Hereditaments belonging to the said Vicarage, together with all Monies and Securities for Money, and all Stock in the Government Funds or elsewhere standing in the Name of the Accountant General of the Court of Chancery, or in any other Name or Names, for, or to the Credit or for the Benefit of or in trust for the Vicar of Rochdale and his Successors, whether for the Purpose of being laid out in Land or otherwise, (excepting Rights of Ecclesiastical Patronage, and the Parsonage House and the Grounds now occupied therewith, which said Parsonage House and Grounds are particularly described in the First Schedule hereto annexed,) shall vest in the Ecclesiastical Commissioners for England, their Successors and Assigns, for the Purposes of this Act.

The present Vicar may agree to accept a fixed Income of 4,000*l.* a Year.

2. In case the present Vicar of Rochdale at any Time before his Avoidance of the said Vicarage shall signify his Willingness to accept a fixed annual Sum of *Four thousand Pounds* in lieu of his Income from the Glebe Lands and Premises aforesaid, it shall be lawful for the Ecclesiastical Commissioners to agree with the said Vicar for the Payment to him of such fixed annual Sum; and thereupon an Instrument in Writing, containing the Terms of the said Agreement, and under the Hand of the said Vicar and the Common Seal of the said Commissioners, shall be registered in the Registry of

of the Diocese, and published in the "London Gazette;" and from and after the Date of such Publication the said Agreement shall be binding, and the Glebe Land and Premises aforesaid (except as herein-before excepted) shall, without any further Conveyance, be absolutely vested in the Ecclesiastical Commissioners for the Purposes of this Act, and the said Commissioners shall be entitled to the Proceeds as from that Date, and shall have no Claim for the Dilapidations then existing.

The Ecclesiastical Commissioners to pay 1,500*l.* a Year to future Vicars.

3. From and after the next Vacancy of the said Vicarage by the Death, Resignation, Cession, Deprivation, or other Avoidance of the present Vicar thereof, the Ecclesiastical Commissioners shall pay the annual Sum of *One thousand five hundred Pounds* to the succeeding Vicar of the said Vicarage and his Successors: Provided that each succeeding Vicar and his Successors shall remain liable to the Payment of First Fruits and Tenths, and shall remain entitled to a certain small Stipend, now amounting to Fourteen Pounds Thirteen Shillings and Fourpence per Annum, payable out of the Produce of the Rectorial Tithes.

Regulations as to the Mode of paying the Incomes of Vicars.

4. The fixed annual Sum of Four thousand Pounds to be paid to the present Vicar of Rochdale in the event of such Agreement as aforesaid being made, and the said annual Sum of *One thousand five hundred Pounds* to be paid to the succeeding Vicars of Rochdale, shall respectively be payable half-yearly by Moieties on the *First Day of May and the First Day of November* in every Year: Provided that the First Payment to the present Vicar of Rochdale shall be a proportionate Part of a half-yearly Payment of *Two thousand Pounds*, calculated from the Day on which such Agreement shall be published until the next following half-yearly Day of Payment, and the said Vicar or his Representatives shall receive a corresponding proportionate Part of a Sum of *Two thousand Pounds* for the current Half Year in which the Avoidance of the said Vicarage shall take place, and the First Payment to the next succeeding Vicar shall be a proportionate Part for the current Half Year calculated on a half-yearly Payment of *Seven hundred and fifty Pounds*, and on every succeeding Vacancy, the then current half-yearly Payment shall be divisible between the last Incumbent or his Representatives and his Successor.

Augmentations to be provided for the Churches and Chapels mentioned in the Second Schedule.

5. As soon as the said Glebe Lands and Premises belonging to the Vicarage of Rochdale shall have come into the Possession of the Ecclesiastical Commissioners, either by the Avoidance of the said Vicarage, or by Agreement with the present Vicar thereof under the

Provision herein-before contained, the said Commissioners shall thenceforth pay annual Sums by way of Augmentation to the Incumbents or Ministers of the Churches or Chapels mentioned in the Second Schedule annexed to this Act, which annual Sums shall be of such Amounts respectively as will with the respective Endowments (if any), exclusive of Surplice Fees and of Pew Rents, raise the Income of the Incumbent or Minister of each of the Churches or Chapels aforesaid, of which the Parish or District has a Population of less than *Four thousand* Persons according to the Census of 1861, to the annual Sum of *Two hundred Pounds*, and raise the Income of the Incumbent or Minister of each of the Churches or Chapels aforesaid of which the Parish or District has a Population of *Four thousand* or more than *Four thousand* Persons according to the Census of 1861 to the annual Sum of *Three hundred Pounds*, and raise the Income of the Incumbent or Minister of the Church or Chapel of Saint Clement, Spotland, to the annual Sum of *Five hundred Pounds;* and the said Augmentations shall be payable by Moieties on the First Day of May and the First day of November in every Year, and shall be apportionable between each Incumbent or Minister or his Representatives and his Successor.

Provision to be made for the Service of the Cemetery. 16 & 17 Vict. c. 220. (Private.)

6. And whereas it is enacted by the Seventy-fourth Section of The Rochdale Improvement Act, One thousand eight hundred and fifty-three, "that each of the several Incumbents of the several "Parish, Parishes, or Ecclesiastical Districts situate wholly or partly "within the Town shall, on convenient Notice being given to him, "perform or cause to be performed by some Clergyman of the "Established Church whom he may appoint, not being prohibited "by the Bishop nor under Ecclesiastical Censure, at the Hours "therein mentioned, the Burial Service, according to the Rites of "that Church, over every deceased Person removed for Interment "within the consecrated Part of the Cemetery, and who died in the "Ecclesiastical District of such Incumbent; and for every such "Interment such Incumbent shall be entitled to the respective "Fees or Sums following; that is to say, if the deceased Person "shall have died within the Town (and shall not be interred at the "Expense of any Parish or Union), the Sum of Two Shillings; if "the deceased Person shall have died beyond the Town (and shall "not be interred at the Expense of any Parish or Union), the Sum "of Six Shillings; and if the deceased Person shall be interred at "the Expense of any Parish or Union, the Sum of One Shilling and "Sixpence:" And whereas the said Enactment is burdensome to the said Incumbents, and it is expedient that other Provision should be made in lieu thereof: Be it enacted, That as soon as the said Glebe Lands and Premises shall have come into the Possession of the Ecclesiastical

Ecclesiastical Commissioners, the said Commissioners shall pay the annual Sum of *One hundred Pounds* by half-yearly Payments, on *the First Day of May and the First Day of November* in every Year to the Incumbent of the Parish or District in which the said Cemetery is situated, who shall perform the said Services, or cause the same to be performed by a Curate under his Superintendence and Control and the said Incumbent shall be further entitled to receive for his own Use the Fees payable in respect of such Interments: Provided that the Right of any other existing Incumbent to perform the said Service, or to cause the same to be performed, and to receive the Fees in respect thereof, shall remain unaffected, if he shall not think fit to relinquish such Right; and provided also, that so long as the Incumbent for the Time being of the Parish or District in which the said Cemetery is situated shall continue in receipt of the said annual Sum of *One hundred Pounds*, it shall be obligatory upon such Incumbent to employ an Assistant Curate at an annual Salary of not less than *One hundred Pounds;* and provided further, that if such Incumbent shall delay or refuse to employ an Assistant Curate as aforesaid for a Space of Three Months after he shall have been required to do so by the Bishop of the Diocese for the Time being, it shall be lawful for such Bishop to appoint and license such an Assistant Curate, and to provide for the Payment to him of a Salary not exceeding *One hundred Pounds* per Annum, in the Manner contemplated by the Eighty-third Section of the Act of the First and Second Years of Her Majesty, Chapter One hundred and six.

Provision to be made for the Services of the Churches of Calderbrook and of St. Mary, Todmorden.

7. As soon as the said Glebe Lands and Premises shall have come into the Possession of the Ecclesiastical Commissioners, the said Commissioners shall, in addition to any other Augmentation payable under this Act, pay to the Incumbent of the Church or Chapel of the Holy Trinity, Littleborough, the annual Sum of *One hundred Pounds*, if and so long as he shall provide a duly licensed Assistant Curate for the Performance of Divine Service in a certain licensed Building at Calderbrook now unconsecrated, but intended to be consecrated, (provided that such annual Sum of *One hundred Pounds* shall not be paid nor begin to be payable until the First Day of May or of November, as the Case may be, which shall happen next after the same Building shall have been consecrated) and shall pay the annual Sum of *One hundred and fifty Pounds* to the Incumbent of Christ Church, Todmorden, so long as he shall have occasion to provide for the Performance of Divine Service in the old Church or Chapel of Saint Mary, Tormorden, as herein-after mentioned, such Services respectively to be subject to the Regulation of the Bishop of the Diocese, but not to be more or more onerous than may lawfully be required to be performed in a Parish Church; the said annual

Sums to be payable in Moieties on the First day of May and the First day of November in every Year.

Five new Districts to be endowed with 200*l.* a Year each.

8. As soon as conveniently may be after the said Glebe Lands and Premises shall have come into the Possession of the Ecclesiastical Commissioners, the said Commissioners shall, with the Concurrence of the Bishop of the Diocese, proceed to constitute or assign Five Districts to be taken out of the original Limits of the Parish of Rochdale, and to endow each such District to the annual Amount of *Two hundred Pounds;* and the Patronage of and Right of nominating the Minister or Incumbent of each of the same Districts or new Parishes, when the same shall have become so, shall be vested in and be exercised by the Bishop of the Diocese for the Time being.

The Ecclesiastical Commissioners to pay Costs and Expenses and certain other Charges.

9. The Ecclesiastical Commissioners shall forthwith pay the Costs of all Parties of and incident to the passing of this Act, and shall pay all other necessary Law Charges, and may make any such Allowance for Costs, Charges, Expenses, Pains, and Trouble, as to the said Commissioners shall appear just and reasonable, to any Person employed by them in receiving or paying any Monies accruing to them, or in auditing any Accounts relating thereto, or in surveying, valuing, or performing any other Duty relating to or connected with the Possession or Management of the Hereditaments and Premises vested in them for the Purposes of this Act, or relating to or connected with any other Matter or Thing to be done or executed under the Authority of this Act, and the said Ecclesiastical Commissioners shall also reimburse the said John Edward Nassau Molesworth any Payments which shall have been made by him for or towards the making, paving, flagging, and sewering any Street or Streets in or upon the said Glebe Lands during his Negotiations with the said Ecclesiastical Commissioners for promoting this Act.

Annual Proceeds to be carried to the Account of the Rochdale Vicarage Fund, and certain Payments to be made thereout.

10. When the said Glebe Lands and Premises shall have come into the Possession of the Ecclesiastical Commissioners, the said Commissioners shall hold the same subject to the Powers of Disposition and Management herein-after mentioned, and shall carry the Rents, Dividends, Interest, and other annual or recurring Proceeds of the Trust Premises for the Time being, to the Credit of a special and distinct Fund, the Account whereof shall be opened in their Books under the Heading of "The Rochdale Vicarage Fund," and shall apply the Balance of the said Fund (after deducting the Expenses) from Time to Time in manner following; (that is to say,)

First,

First, in paying the Endowments herein-before provided for the present and future Vicars of Rochdale (that is to say,) in paying to the said Rev. John Edward Nassau Molesworth, as long as he shall continue Vicar, a fixed annual Sum of *Four thousand Pounds*, if such Agreement as aforesaid shall be made, and in paying to the succeeding Vicars the annual Sum of *One thousand five hundred Pounds:*

Secondly, in paying the annual Sums to be provided as aforesaid by way of Augmentation to the Incumbents or Ministers of the Churches or Chapels mentioned in the Second Schedule hereto:

Thirdly, in paying the said annual Sums of *One hundred Pounds*, *One hundred Pounds*, and *One hundred and fifty Pounds*, in respect of the Performance of the Services of the Cemetery, of a Church or Chapel at Calderbrook, and of the Church of St. Mary, Todmorden:

Fourthly, in paying the said annual Sums of *Two hundred Pounds* each for the Endowments of the Five Parishes or Districts to be constituted or assigned as aforesaid.

Deficiency (if any) to be made good out of the Common Fund of the Ecclesiastical Commissioners, subject to Repayment.

11. Provided, That if any of the Costs, Expenses, or annual Sums aforesaid shall be payable by the Ecclesiastical Commissioners before any Revenues shall have accrued to them under this Act, or at a Time when there shall be no Balance or an insufficient Balance at the Credit of the Rochdale Vicarage Fund, a Sum to supply the Deficiency shall be advanced by the said Commissioners out of the Common Fund under their Control, and shall be repaid to the Common Fund, with Compound Interest at the Rate of *Four* per Cent. per Annum, out of Revenues thereafter to accrue to the Rochdale Vicarage Fund.

Application of the Surplus of the annual Proceeds.

12. The Ecclesiastical Commissioners shall hold the Surplus of the Rochdale Vicarage Fund, after discharging thereout such Payments and Repayments as aforesaid, upon Trust to apply the same from Time to Time in manner following; (that is to say,)

First, in raising to the annual Sum of *Three hundred Pounds*, exclusive of Surplice Fees and Pew Rents, the Income of the Incumbent or Minister of each of the Churches or Chapels mentioned in the Second Schedule hereto whose Income does not already amount to that Sum:

Secondly, in raising to the annual Sum of *Three hundred Pounds*, exclusive of Surplice Fees and Pew Rents, the Income of the Incumbent or Minister of each of the Five Parishes or Districts to be constituted or assigned as aforesaid, if or so

soon as the Church or Chapel of such Parish or District shall be consecrated:

Thirdly, in raising to the annual Sum of *Five hundred Pounds*, exclusive of Surplice Fees and Pew Rents, the Income of the Incumbent or Minister of One of the Churches or Chapels mentioned in the said Second Schedule hereto (other than and in addition to the Church or Chapel of St. Clement, Spotland), and in raising to the annual Sum of *Four hundred Pounds*, exclusive of Surplice Fees and Pew Rents, the Income of the Incumbent or Minister of each of Two other of the Churches or Chapels mentioned in the said Second Schedule, the said Churches or Chapels to be selected by the Ecclesiastical Commissioners with the Concurrence of the Bishop of the Diocese; provided that if the Vicar of Rochdale shall enter into such Agreement as aforesaid for accepting a fixed Income he shall be entitled to select One of the Churches or Chapels the Endowment of which is to be raised to the annual Sum of *Four hundred Pounds*:

Fourthly, in paying such annual Sum or Sums as the Ecclesiastical Commissioners (with Consent in Writing of the Bishop of the Diocese) shall in their Discretion think fit, for or towards providing for the Maintenance of a Chaplain or Chaplains to the Rochdale Union, or any Workhouse or Workhouses thereof:

Fifthly, in endowing to such Amount as the said Commissioners, with the Concurrence of the Bishop of the Diocese, shall think fit, the Incumbents or Ministers of any Parishes or Districts already existing, or hereafter to be constituted or assigned from Time to Time with the Consent of the said Bishop, and which Parishes or Districts do or shall consist of or contain any Part or Parts of the Parish of Rochdale, including all Ecclesiastical Divisions and Subdivisions thereof:

Sixthly, in augmenting or endowing such Benefices with Cure of Souls in the Diocese of Manchester, and in the Patronage or alternate Patronage of any Ecclesiastical Corporation, as shall be selected by the Bishop of Manchester for the Time being, and shall be approved by the said Commissioners: Provided always, that when and so soon as the annual Income (exclusive of Surplice Fees and Pew Rents) of the Church called Christ Church, at Healey, in the said Second Schedule hereto mentioned, shall have been raised as aforesaid to *Three hundred Pounds*, the whole Patronage of the same Church and of the District to which the same belongs (if any) shall be ipso facto, and without any Conveyance or Assurance in the Law, transferred to and vested in and be exercised by the Bishop of the Diocese for the Time being and his Successors; and provided also,

also, that when and so soon as the annual Income (exclusive as aforesaid) of the Church of the Holy Trinity at Walsden, in the said Second Schedule hereto mentioned, shall have been raised as aforesaid to *Three hundred Pounds*, the whole Patronage of the same lastly mentioned Church and of the District thereto attached (if any) shall in like Manner be transferred to and vested in and be exercised by the said Bishop and his Successors.

Mode of determining the Amounts of the Augmentations to be paid by the Ecclesiastical Commissioners. 1 & 2 W. 4. c. 45.

13. For the Purpose of determining the Amounts of the annual Sums to be paid to the Incumbents or Ministers of the said Churches or Chapels respectively mentioned in the Second Schedule annexed to this Act, the annual Income arising from the existing Endowments of each of the said Churches or Chapels at the Time when the said Glebe Lands and Premises shall come into the Possession of the Ecclesiastical Commissioners (except Surplice Fees and Pew Rents, and except certain annual Sums charged upon the said Glebe Lands and Premises in favour of the Incumbents or Ministers of certain of the said Churches and Chapels under the Provisions of an Act of the First and Second Years of His late Majesty King William IV., Chapter 45,) shall be ascertained and determined by the said Commissioners, with the Concurrence of the Bishop of the Diocese and of the Incumbent or Minister of the said Church or Chapel; and a Certificate of the Amount of Income arising from such Endowments (except as aforesaid), under the Common Seal of the said Commissioners, and the Episcopal Seal of the said Bishop, and the Hand of the said Incumbent or Minister, shall be registered in the Registry of the Diocese; and the annual Sum to be paid by way of Augmentation to the Incumbent or Minister of each Church or Chapel, and his Successors, shall be such Amount as will make up the Income payable in respect of the said Church or Chapel under the Provisions herein contained, notwithstanding any subsequent Variation in the original Endowment: Provided that from and after the Registration of the Certificate of Endowment of any Church or Chapel to the Incumbent or Minister of which One of the said annual Charges is payable, such annual Charge shall be deemed to be included in the fixed Sum to be paid by way of Augmentation as aforesaid, and shall cease to be chargeable on the said Glebe Lands and Premises further or otherwise than such Augmentation is chargeable thereon under the Provisions herein contained: Provided also, that in the event of any Delay taking place in the Preparation or Registration of any Certificate of Endowment the said Commissioners shall in the meantime make such Payments in respect of the corresponding Augmentation as they in their Discretion shall think just.

 14. From

Half the Sittings of augmented Churches to be free.

14. From and after the Expiration of *Three* Years from the Time when the Income of any existing Benefice augmented under this Act shall amount to the annual Sum of *Three hundred Pounds*, exclusive of Surplice Fees and Pew Rents, One Half Part at least of the whole Number of Pews or Sittings in the Church or Chapel thereof shall be declared by the Commissioners and the Bishop of the Diocese to be free Sittings, such Sittings to be selected by the Bishop of the Diocese so that, having regard to Position and Convenience, they may be as advantageously situated as the remaining Moiety of the Pews and Sittings.

The Ecclesiastical Commissioners may substitute Land or other Hereditaments vested in them for the Purposes of this Act for any Money Payment.

15. At any Time after any of the annual Sums aforesaid to be respectively paid to the Vicar of Rochdale and to the Incumbents or Ministers of the said several Churches or Chapels, or to the Incumbents or Ministers of other Parishes or Districts, shall have become payable, it shall be lawful for the Ecclesiastical Commissioners, with the Consent of the Bishop of the Diocese, and of the Vicar, Incumbent, or Minister, to appropriate and set apart for the Use of any such Vicar, Incumbent, or Minister, and his Successors, in lieu of the said annual Sum directed to be paid to him and them as aforesaid, or of any Part thereof, such specific Lands or Hereditaments, Part of the said Glebe Lands and Hereditaments, or of other the Lands and Hereditaments for the Time being vested in the said Commissioners for the Purposes of this Act, as, according to the Certificate of Two competent Surveyors, One to be appointed by the said Commissioners, and the other by such Vicar, Incumbent, or Minister, or of an Umpire to be appointed by such Surveyors, shall appear to be equivalent at least to produce a clear yearly Sum, after Payment of all Outgoings (except the Income Tax, if any), equal to such annual Sum or to such Part thereof; and an Instrument in Writing containing the Terms of such Appropriation, and under the Hand of the Vicar, Minister, or Incumbent, and the Episcopal Seal of the said Bishop, and the Common Seal of the said Commissioners, shall be registered in the Registry of the Diocese, and published in the "London Gazette;" and from and after the Time which shall be fixed for that Purpose by the said Instrument, and after the said Publication, the Lands or other Hereditaments so appropriated for such Vicar, Incumbent, or Minister, and his Successors, shall, by force of this Act, and of such Instrument, without any further Conveyance, be vested in such Vicar, Incumbent, or Minister, and his Successors, as Part of the Endowment of his Vicarage, Church, or Chapel, and the Rochdale Vicarage Fund shall thenceforth be freed and discharged from all Claims and Demands by or on behalf of the Vicar, Incumbent, or Minister of the same Vicarage, Church, or Chapel in respect of the said annual Sum, or of

of the Part thereof, for which the said Lands or Hereditaments have been so declared to be an Equivalent; provided that any such Instruments may relate to several Appropriations, or to One Appropriation, as may be most convenient.

The Ecclesiastical Commissioners to have all legal Powers of enforcing Payments, &c.

16. The Ecclesiastical Commissioners shall, for the Purpose of enforcing Payment of all Profits and Emoluments to be paid to them, and of obtaining Possession of the Hereditaments and Premises vested in them for the Purposes of this Act, and of recovering the Rents and Profits thereof, have and enjoy all the Rights, Powers, and Remedies in that Behalf, at Law or in Equity, of the Vicar of Rochdale and his Successors.

Repeal of the Special Leasing Acts, 4 G 3. c. 28. (Private). 8 & 9 Vict. c. 19. (Private).

17. The Act of the Fourth Year of His late Majesty King George the Third, Chapter Twenty-eight, intituled "An Act to enable the "Vicar of Rochdale in the County of Lancaster to grant a Lease "or Leases of the Glebe Lands belonging to the Vicarage," and the Act of the Eighth and Ninth Years of Her present Majesty, Chapter Nineteen, being an Act to amend the lastly mentioned Act, shall be and the same are hereby repealed: Provided always, that such Repeal shall not be held to take away or diminish any Estate or Interest, or Right or Liability, which, before the passing of this Act, may have been created, granted, or incurred by or on behalf of the Vicar of Rochdale and his Successors, or any Persons who have become Tenants under him and them in accordance with the Provisions of such Statutes, but all such Rights and Liabilities which may now belong or attach to the said Vicar and his Successors shall from and after the passing of this Act belong and attach to the said Commissioners, and be exercised or fulfilled by them, subject to the Provisions of this Act.

The Ecclesiastical Commissioners may sell Land and Hereditaments with the Consent of the Bishop

18. The Commissioners shall have and exercise over the Glebe Lands, Hereditaments, and Premises vested or to be at any Time vested in them for the Purposes of this Act all the same and the like Rights and Powers of Ownership as are possessed and enjoyed respecting and over any Lands and Hereditaments by any absolute Owner thereof: Provided always, that any Sum of Money received by the said Commissioners for the Sale, Transfer, or Conveyance of any Part or Parts of such Lands or Hereditaments shall be applied by them, so soon as conveniently may be after the Receipt thereof, in the Purchase and Acquisition of other Lands or Hereditaments, and shall be in the meantime invested in some Government or Parliamentary Stock in England; and the annual Rents and Profits of the Lands and Hereditaments so to be acquired as last aforesaid, and the Dividends or annual Proceeds of such Stock, shall be carried

to the Credit of the "Rochdale Vicarage Fund" aforesaid; provided also, that no such Sale or Conveyance shall be valid or effectual without the Consent in Writing of the Bishop of the Diocese.

The Ecclesiastical Commissioners may apply Monies and Stock to make permanent Improvements on the Estate and to provide Parsonage Houses.

19. It shall be lawful for the Ecclesiastical Commissioners from Time to Time to sell any Stock for the Time being vested in them for the Purposes of the Rochdale Vicarage Fund, and to apply the Produce of the said Sale, or any other Monies in their Possessions either as Capital or Income on account of the said Fund, to either or both of the following Purposes; (that is to say,)

To the Purpose of making and laying out any Crescents and other open Spaces, Bridges, Roads, Ways, Streets, Squares, Avenues, Passages, Yards, Gardens, Places necessary or convenient for carrying on any Manufacture or Trade, Drains, Sewers, Pipes, Conduits, Easements, and Conveniences, or of otherwise improving the Lands and Hereditaments for the Time being vested in the said Commissioners for the Purposes of this Act, or accommodating the Lessees and Occupiers thereof:

To the Purpose of purchasing, building, or rebuilding, or providing a Site for a Parsonage House for any Benefice which shall have been or may be augmented or endowed under the Provisions of this Act: Provided always, that no such Parsonage House or Site shall be purchased, acquired, or built, without the Consent in Writing of the Bishop of the Diocese being first had and obtained.

The Receipt of the Treasurer or Agent of the Ecclesiastical Commissioners to be a sufficient Discharge.

20. The Receipt of the Treasurer or Treasurers of the Ecclesiastical Commissioners, or of any Agent of the said Commissioners duly authorized in that Behalf, for any Monies payable or any Stock transferable to the said Commissioners under the Provisions of this Act, shall be a sufficient Discharge for the said Monies and Stock respectively.

District Parishes to be deemed Vicarages.

21. All Districts (including Chapelries or reputed Districts) already existing or hereafter to be constituted or assigned, lying wholly within the Limits of the Parish of Rochdale, shall be deemed to be Vicarages, and the Incumbents thereof shall be deemed to be Vicars, without Prejudice nevertheless to the Rights of any other Persons: Provided that, as to any District which is not a separate and distinct Parish for Ecclesiastical Purposes, this Enactment shall not take effect unless and until such District shall become a separate and distinct Parish for Ecclesiastical Purposes.

22. From

22. From and after the next Avoidance of the Vicarage of Rochdale the succeeding Vicars shall retain the existing Rights of the Vicar of Rochdale and his Successors to the Patronage of the Benefices of which the Churches or Chapels are mentioned in the Third Schedule to this Act, but the Residue of the Ecclesiastical Patronage of the Successors of the Vicar of Rochdale as such Vicars shall be transferred to and vest in the Bishop of Manchester and his Successors: Provided that nothing in this Act shall affect any Right of Patronage of the present Vicar of Rochdale, save and except as is herein specifically declared and provided.

After the next Avoidance of the Vicarage of Rochdale, certain Patronage to be transferred to the Bishop of Manchester.

23. And whereas a new Church has been built in the Parochial Chapelry of Todmorden in the said Parish of Rochdale, and the same was consecrated in the Year One thousand eight hundred and thirty-two, and named Christ Church: And whereas by the Sentence of Consecration it was declared that the Maintenance of the Minister of the said Church and of the other Officers thereof should be as well by and out of such Funds and Revenues as the Minister and other Officers of the old Parochial Church of Chapel of Saint Mary, Todmorden, (in the said Sentence styled the old Chapel of Todmorden,) were entitled to, as also by and out of such Pew Rents or other Emoluments as might be granted or assigned by the Commissioners for promoting the Building of additional Churches in populous Places, and Doubts are entertained whether the said Sentence of Consecration was effectual to transfer the said Funds and Revenues to the new Church of Christ Church aforesaid: And whereas the Vicar of Rochdale, as such Vicar, is the Patron as well of the said new Church as of the old Church or Chapel of the said Parochial Chapelry; and the Rev. Anthony John Plow has been licensed to perform the Office of Perpetual Curate of the said new Church and of the Chapelry in the said Licence styled the Parochial Chapelry of Christ Church, Todmorden: And whereas it is expedient that all Doubts as to the Validity of the said Transfer, and as to the Title of the said Rev. Anthony John Plow to perform such Office, should be removed: Be it enacted, That it shall be lawful for the said Commissioners, by an Instrument under their Common Seal, with the Consent of the said Vicar of Rochdale and of the said Rev. Anthony John Plow (if he shall continue in such Office), to declare that the said new Church of Christ Church, Todmorden, situate in the said Parochial Chapelry of Todmorden, shall be deemed to be substituted for the old Parochial Church or Chapel of Saint Mary, Todmorden, situate in the same Chapelry; and that all the Endowments, Emoluments, and Rights of or belonging to the said old Church or Chapel of Saint Mary, or to the Incumbent thereof,

Confirming the Substitution of Christ Church Todmorden, for the old Church or Chapel thereof.

thereof, shall be deemed to be transferred to the said new Church of Christ Church, and to the said Rev. Anthony John Plow, or other the Incumbent thereof, and his Successors, for ever: Provided that such Transfer and Substitution shall be deemed to have taken place at the Date of the said Sentence of Consecration, but not so as to prejudice any Person in respect of past Transactions.

The old Church of Todmorden to become a Chapel of Ease.

24. From and after the *passing of this Act* the Freehold of the said old Church or Chapel of Saint Mary shall be vested in the Incumbent for the Time being of Christ Church aforesaid, and the same old Church or Chapel of Saint Mary shall be deemed to be a Chapel of Ease to Christ Church aforesaid, and shall be served by the said Rev. Anthony John Plow, or other the Incumbent of Christ Church for the time being, or by his Assistant Curate duly licensed, and during the Incumbency of the said Rev. Anthony John Plow it shall not be lawful, without his Consent in Writing, to withdraw the said old Church or Chapel of Saint Mary from his Superintendence and Control, by assigning a District thereto, or by specifying it as the Parish Church of a new District, or otherwise howsoever.

Reducing the Number of Churchwardens and Sidesmen of the Parish of Rochdale.

25. And whereas there are Ten Churchwardens and Ten Sidesmen of the Parish of Rochdale, and having regard to the Limits of the District belonging to the Parish Church the said Number is found to be inconveniently large: Be it enacted, That for the future Two Churchwardens and Two Sidesmen only shall be elected for the said Parish, One Churchwarden and One Sidesman being chosen by the Vicar, and the other Churchwarden and the other Sidesman being chosen by the Persons entitled to take part in such Election.

Short Title.

26. For all Puproses of Recital or Reference it shall be sufficient to mention this Act as "The Rochdale Vicarage Act, 1866."

FIRST

FIRST SCHEDUDE.

All that Messuage or Dwelling House called or known by the Name of the Vicarage, together with the Coach House, Stabling, Barn, Shippon, Outbuildings, Pleasure Grounds, Yard, Gardens, and Croft or Enclosure of Land, with the Appurtenances, situate and being in the Borough of Rochdale aforesaid, bounded on the Northerly Side thereof by Land sold to the Corporation of Rochdale for public Purposes, on the Easterly Side in part by the said Land sold to the said Corporation, in other Part by other Part of the said Glebe Land, and in other Part by the old Churchyard, on the Southerly Side by other Part of the said Glebe Land called Broadfield, and by a public Footway leading to the said Broadfield, and being also the Carriageway leading to the said Vicarage, and on the Westerly Side by other Part of the said Glebe Land called Sparrow Hill, and which said Pleasure Ground, Gardens, Lands, and Premises contain by Estimation about Three Acres and a Half of Land, and are enclosed on all Sides by Walls or Flag Fences, except where they abut on the Land sold to the said Corporation.

SECOND SCHEDULE.

St. Chad (Saddleworth).
Christ Church (Todmorden).
The Holy Trinity (Littleborough).
St. James (Milnrow).
Christ Church (Healey).
St. Peter (Walsden).
St. James (Wardleworth).
St. John (Smallbridge).
St. Thomas (Friarmere).
The Holy Trinity (Dobcross).
St. Anne (Lydgate).
St. Alban (Rochdale).
St. James (Wardle).
St. Paul (Norden).
St. Martin (Castleton Moor).
St. Mary (Rochdale).
St. Clement (Spotland).

THIRD SCHEDULE.

St. James (Wardleworth).
St. Mary (Rochdale).
The Holy Trinity (Littleborough).
St. James (Milnrow).
St. Alban (Rochdale).

Rochdale Vicarage.

A

BILL

For vesting the Glebe Lands of the Vicarage of Rochdale in the County of Lancaster in the Ecclesiastical Commissioners for England, and for making Provision for the Endowment of the said Vicarage in lieu thereof, and for the Promotion of other Ecclesiastical Purposes connected therewith.

(*Prepared and brought in by Mr. Walpole and Mr. Bouverie.*)

Ordered, by The House of Commons, *to be Printed*, 23 *February* 1866.

[Bill 38.]

Under 3 *oz.*

Rochdale Vicarage Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. The Glebe to vest in the Ecclesiastical Commissioners on the next Avoidance.
2. The present Vicar may agree to accept a fixed Income of 4,000*l.* a Year.
3. The Ecclesiastical Commissioners to pay 1,500*l.* a Year to the future Vicars.
4. Regulations as to the Mode of paying the Incomes of Vicars.
5. Augmentations to be provided for the Churches and Chapels mentioned in the Second Schedule.
6. Provision to be made for the Service of the Cemetery.
7. Provision to be made for the Service of the Churches of Calderbrook and of St. Mary Todmorden.
8. Five new Districts to be endowed with 200*l.* a Year each.
9. The Ecclesiastical Commissioners to pay Cost and Expenses and certain other Charges.
10. Annual Proceeds to be carried to the Account of the Rochdale Vicarage Fund, and certain Payments to be made thereout.
11. Deficiency (if any) to be made good out of the Common Fund of the Ecclesiastical Commissioners, subject to Repayment.
12. Application of the Surplus of the annual Proceeds.
13. Mode of determining the Amounts of the Augmentations to be paid by the Ecclesiastical Commissioners.
14. Half the Sittings of augmented Churches to be free.
15. The Ecclesiastical Commissioners may substitute Lands or other Hereditaments vested in them for the Purposes of this Act for any Money Payment.
16. The Ecclesiastical Commissioners to have all legal Powers of enforcing Payments, &c.
17. Repeal of the Special Leasing Acts.
18. The Ecclesiastical Commissioners may sell Land with the Consent of the Bishop, and re-invest the Proceeds.

Clauses.

19. The Corporation of Rochdale to have the Option of taking a Part of the Glebe Lands.
20. Terms of the Grant to the Corporation.
21. New Roads to be made by Commissioners.
22. On certain Breaches of Covenant, the Land to re-vest in the Ecclesiastical Commissioners.
23. The Ecclesiastical Commissioners may apply Moneys and Stock to make permanent Improvements on the Estate, and to provide Parsonage Houses.
24. The Receipt of the Treasurer or Agent of the Ecclesiastical Commissioners to be a sufficient Discharge.
25. District Parishes to be deemed Vicarages.
26. After the next Avoidance of the Vicarage of Rochdale, certain Patronage to be transferred to the Bishop of Manchester.
27. Confirming the Substitution of Christ Church, Todmorden, for the old Church or Chapel thereof.
28. The old Church of Todmorden to become a Chapel of Ease.
29. Reducing the Number of Churchwardens and Sidesmen of the Parish of Rochdale.
30. Repeal of the 55 Geo. 3. c. lxxx. (Local.)
31. Placing St. James, Wardleworth, under the Provisions of 19 & 20 Vict. c. 104.
32. Vesting the Freehold of the Church and Parsonage in the Incumbent.
33. Half the Pews to be free, and the Remainder to be dealt with under the Church Building Acts.
34. Short Title.

SCHEDULES.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Vesting the Glebe Lands of the Vicarage of Rochdale in the County of Lancaster in the Ecclesiastical Commissioners for England, and for making Provision for the Endowment of the said Vicarage in lieu thereof; and for the Promotion of other Ecclesiastical Purposes connected therewith.

WHEREAS the Endowment of the Vicarage of Rochdale in the Diocese of Manchester mainly consists of certain Glebe Lands of which the greater Part has been built upon, and the Residue is valuable for Building Purposes, and the annual Proceeds of the said Glebe Lands at present exceed the Sum of Four thousand Pounds, and it is anticipated that such Proceeds will increase in future Years: Preamble.

And whereas the Rev. John Edward Nassau Molesworth, D.D., is the present Vicar of the said Vicarage, and the Right Rev. Father in God James Prince, by Divine Permission Lord Bishop of Manchester, is the Ordinary thereof, and also the Patron in right of his See:

And whereas for promoting the greater Efficiency of the Established Church it is expedient that upon the First Avoidance of the said Vicarage the Glebe Lands and other Endowments thereof should be vested in the Ecclesiastical Commissioners for England, upon special Trust to provide a fixed annual Sum by way of Endowment for the future Vicars of Rochdale, and annual Sums by way of Augmentation or Endowment of Churches or Chapels already built or hereafter to be built within the Parish of Rochdale, and otherwise for promoting the Efficiency of the Established Church in the Parish of Rochdale and the Diocese of Manchester:

And whereas it is further expedient that Power should be given to the said Rev. John Edward Nassau Molesworth and the said Ecclesiastical Commissioners to bring such vesting into operation during his Incumbency:

But inasmuch as such Objects cannot be carried into effect without the Authority of Parliament,

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

The Glebe to vest in the Ecclesiastical Commissioners on the next Avoidance.

1. Upon the First Avoidance of the Vicarage of Rochdale the Glebe Lands, Messuages, Tenements, and Hereditaments belonging to the said Vicarage, together with all Monies and Securities for Money, and all Stock in the Government Funds or elsewhere standing in the Name of the Accountant General of the Court of Chancery, or in any other Name or Names, for, or to the Credit or for the Benefit of or in trust for the Vicar of Rochdale and his Successors, whether for the Purpose of being laid out in Land or otherwise, (excepting Rights of Ecclesiastical Patronage, and the Parsonage House and the Grounds now occupied therewith, which said Parsonage House and Grounds are particularly described in the First Schedule hereto annexed,) shall vest in the Ecclesiastical Commissioners for England, their Successors and Assigns, for the Purposes of this Act.

The present Vicar may agree to accept a fixed Income of 4,000*l.* a Year.

2. In case the present Vicar of Rochdale at any Time before his Avoidance of the said Vicarage shall signify his Willingness to accept a fixed annual Sum of Four thousand Pounds in lieu of his Income from the Glebe Lands and Premises aforesaid, it shall be lawful for the Ecclesiastical Commissioners to agree with the said Vicar for the Payment to him of such fixed annual Sum; and thereupon an Instrument in Writing, containing the Terms of the said Agreement, and under the Hand of the said Vicar and the Common Seal of the said Commissioners, shall be registered in the Registry of

of the Diocese, and published in the "London Gazette;" and from and after the Date of such Publication the said Agreement shall be binding, and the Glebe Land and Premises aforesaid (except as herein-before excepted) shall, without any further Conveyance, be absolutely vested in the Ecclesiastical Commissioners for the Purposes of this Act, and the said Commissioners shall be entitled to the Proceeds as from that Date, and shall have no Claim for the Dilapidations then existing.

The Ecclesiastical Commissioners to pay 1,500*l.* a Year to future Vicars.

3. From and after the next Vacancy of the said Vicarage by the Death, Resignation, Cession, Deprivation, or other Avoidance of the present Vicar thereof, the Ecclesiastical Commissioners shall pay the annual Sum of One thousand five hundred Pounds to the succeeding Vicar of the said Vicarage and his Successors: Provided that each succeeding Vicar and his Successors shall remain liable to the Payment of First Fruits and Tenths, and shall remain entitled to a certain small Stipend, now amounting to Fourteen Pounds Thirteen Shillings and Fourpence per Annum, payable out of the Produce of the Rectorial Tithes of Rochdale.

Regulations as to the Mode of paying the Incomes of Vicars.

4. The fixed annual Sum of Four thousand Pounds to be paid to the present Vicar of Rochdale in the event of such Agreement as aforesaid being made, and the said annual Sum of One thousand five hundred Pounds to be paid to the succeeding Vicars of Rochdale, shall respectively be payable half-yearly by Moieties on the First Day of May and the First Day of November in every Year: Provided that the First Payment to the present Vicar of Rochdale shall be a proportionate Part of a half-yearly Payment of Two thousand Pounds, calculated from the Day on which such Agreement shall be published until the next following half-yearly Day of Payment, and the said Vicar or his Representatives shall receive a corresponding proportionate Part of a Sum of Two thousand Pounds for the current Half Year in which the Avoidance of the said Vicarage shall take place, and the First Payment to the next succeeding Vicar shall be a proportionate Part for the current Half Year calculated on a half-yearly Payment of Seven hundred and fifty Pounds, and on every succeeding Vacancy, the then current half-yearly Payment shall be divisible between the last Incumbent or his Representatives and his Successor.

Augmentations to be provided for the Churches and Chapels mentioned in the Second Schedule.

5. As soon as the said Glebe Lands and Premises belonging to the Vicarage of Rochdale shall have come into the Possession of the Ecclesiastical Commissioners, either by the Avoidance of the said Vicarage, or by Agreement with the present Vicar thereof under the

Provision herein-before contained, the said Commissioners shall thenceforth pay annual Sums by way of Augmentation to the Incumbents or Ministers of the Churches or Chapels mentioned in the Second Schedule annexed to this Act, which annual Sums shall be of such Amounts respectively as will with the respective Endowments (if any), exclusive of Surplice Fees and of Pew Rents, raise the Income of the Incumbent or Minister of each of the Churches or Chapels aforesaid, of which the Parish or District has a Population of less than Four thousand Persons according to the Census of 1861, to the annual Sum of Two hundred Pounds, and raise the Income of the Incumbent or Minister of each of the Churches or Chapels aforesaid of which the Parish or District has a Population of Four thousand or more than Four thousand Persons according to the Census of 1861 to the annual Sum of Three hundred Pounds, and raise the Income of the Incumbent or Minister of the Church or Chapel of Saint Clement, Spotland, to the annual Sum of Five hundred Pounds, and that of the Incumbent or Minister of the Church of Saint Martin, Castleton Moor, to the annual Sum of Three hundred Pounds, and also raise the Income of the Incumbent or Minister of the Church or Chapel of Saint Chad, Saddleworth, to the annual Sum of Three hundred Pounds, exclusive of the Stipend now payable out of the Rectorial Tithes of Rochdale; and the said Augmentations shall be payable by Moieties on the First Day of May and the First Day of November in every Year, and shall be apportionable between each Incumbent or Minister or his Representatives and his Successor.

Provision to be made for the Service of the Cemetery. 16 & 17 Vict. c. 220. (Private.)

6. And whereas it is enacted by the Seventy-fourth Section of The Rochdale Improvement Act, One thousand eight hundred and fifty-three, "that each of the several Incumbents of the several "Parish, Parishes, or Ecclesiastical Districts situate wholly or partly "within the Town shall, on convenient Notice being given to him, "perform or cause to be performed by some Clergyman of the "Established Church whom he may appoint, not being prohibited "by the Bishop nor under Ecclesiastical Censure, at the Hours "therein mentioned, the Burial Service, according to the Rites of "that Church, over every deceased Person removed for Interment "within the consecrated Part of the Cemetery, and who died in the "Ecclesiastical District of such Incumbent; and for every such "Interment such Incumbent shall be entitled to the respective "Fees or Sums following; that is to say, if the deceased Person "shall have died within the Town (and shall not be interred at the "Expense of any Parish or Union), the Sum of Two Shillings; if "the deceased Person shall have died beyond the Town (and shall "not be interred at the Expense of any Parish or Union), the Sum "of

" of Six Shillings; and if the deceased Person shall be interred at " the Expense of any Parish or Union, the Sum of One Shilling and " Sixpence:" And whereas the said Enactment is burdensome to the said Incumbents, and it is expedient that other Provision should be made in lieu thereof: Be it enacted, That as soon as the said Glebe Lands and Premises shall have come into the Possession of the Ecclesiastical Commissioners, the said Commissioners shall pay the annual Sum of One hundred Pounds by half-yearly Payments, on the First Day of May and the First Day of November in every Year to the Incumbent of the Parish or District in which the said Cemetery is situated, who shall perform the said Services, or cause the same to be performed by a Curate under his Superintendence and Control and the said Incumbent shall be further entitled to receive for his own Use the Fees payable in respect of such Interments: Provided that the Right of any other existing Incumbent to perform the said Service, or to cause the same to be performed, and to receive the Fees in respect thereof, shall remain unaffected, if he shall not think fit to relinquish such Right; and provided also, that so long as the Incumbent for the Time being of the Parish or District in which the said Cemetery is situated shall continue in receipt of the said annual Sum of One hundred Pounds, it shall be obligatory upon such Incumbent to employ an Assistant Curate at an annual Salary of not less than One hundred Pounds; and provided further, that if such Incumbent shall delay or refuse to employ an Assistant Curate as aforesaid for a Space of Three Months after he shall have been required to do so by the Bishop of the Diocese for the Time being, it shall be lawful for such Bishop to appoint and license such an Assistant Curate, and to provide for the Payment to him of a Salary not exceeding One hundred Pounds per Annum, in the Manner contemplated by the Eighty-third Section of the Act of the First and Second Years of Her Majesty, Chapter One hundred and six.

Provision to be made for the Services of the Churches of Calderbrook and of St. Mary, Todmorden.

7. As soon as the said Glebe Lands and Premises shall have come into the Possession of the Ecclesiastical Commissioners, the said Commissioners shall, in addition to any other Augmentation payable under this Act, pay to the Incumbent of the Church or Chapel of the Holy Trinity, Littleborough, the annual Sum of One hundred Pounds, if and so long as he shall provide a duly licensed Assistant Curate for the Performance of Divine Service in a certain licensed Building at Calderbrook now unconsecrated, but intended to be consecrated, (provided that such annual Sum of One hundred Pounds shall not be paid nor begin to be payable until the First Day of May or of November, as the Case may be, which shall happen next after the same Building shall have been consecrated) and shall pay the annual Sum of One hundred and fifty Pounds to the Incumbent of

Christ Church, Todmorden, so long as he shall have occasion to provide for the Performance of Divine Service in the old Church or Chapel of Saint Mary, Tormorden, as herein-after mentioned, such Services respectively to be subject to the Regulation of the Bishop of the Diocese, but not to be more or more onerous than may lawfully be required to be performed in a Parish Church; the said annual Sums to be payable in Moieties on the First day of May and the First day of November in every Year.

Five new Districts to be endowed with 200*l.* a Year each.

8. As soon as conveniently may be after the said Glebe Lands and Premises shall have come into the Possession of the Ecclesiastical Commissioners, the said Commissioners shall, with the Concurrence of the Bishop of the Diocese, proceed to constitute or assign Five Districts to be taken out of the original Limits of the Parish of Rochdale, and to endow each such District to the annual Amount of Two hundred Pounds; and the Patronage of and Right of nominating the Minister or Incumbent of each of the same Districts or of the new Parishes which such Districts may eventually become, shall be vested in and be exercised by the Bishop of the Diocese for the Time being.

The Ecclesiastical Commissioners to pay Costs and Expenses and certain other Charges.

9. The Ecclesiastical Commissioners shall forthwith pay the Costs of and incident to the passing of this Act, and shall pay all other necessary Law Charges, and may make any such Allowance for Costs, Charges, Expenses, Pains, and Trouble, as to the said Commissioners shall appear just and reasonable, to any Person employed by them in receiving or paying any Monies accruing to them, or in auditing any Accounts relating thereto, or in surveying, valuing, or performing any other Duty relating to or connected with the Possession or Management of the Hereditaments and Premises vested in them for the Purposes of this Act, or relating to or connected with any other Matter or Thing to be done or executed under the Authority of this Act, and the said Ecclesiastical Commissioners shall also reimburse the said John Edward Nassau Molesworth any Payments which shall have been made by him for or towards the making, paving, flagging, and sewering any Street or Streets in or upon the said Glebe Lands during his Negotiations with the said Ecclesiastical Commissioners for promoting this Act.

Annual Proceeds to be carried to the Account of the Rochdale Vicarage Fund, and

10. When the said Glebe Lands and Premises shall have come into the Possession of the Ecclesiastical Commissioners, the said Commissioners shall hold the same subject to the Powers of Disposition and Management herein-after mentioned, and shall carry the Rents, Dividends, Interest, and other annual or recurring Proceeds

Proceeds of the Trust Premises for the Time being, to the Credit of a special and distinct Fund, the Account whereof shall be opened in their Books under the Heading of "The Rochdale Vicarage Fund," and shall apply the Balance of the said Fund (after deducting the Expenses) from Time to Time in manner following; (that is to say,) certain Payments to be made thereout.

First, in paying the Endowments herein-before provided for the present and future Vicars of Rochdale (that is to say,) in paying to the said Rev. John Edward Nassau Molesworth, as long as he shall continue Vicar, a fixed annual Sum of Four thousand Pounds, if such Agreement as aforesaid shall be made, and in paying to the succeeding Vicars the annual Sum of One thousand five hundred Pounds:

Secondly, in paying the annual Sums to be provided as aforesaid by way of Augmentation to the Incumbents or Ministers of the Churches or Chapels mentioned in the Second Schedule hereto:

Thirdly, in paying the said annual Sums of One hundred Pounds, One hundred Pounds, and One hundred and fifty Pounds, in respect of the Performance of the Services of the Cemetery, of a Church or Chapel at Calderbrook, and of the Church of St. Mary, Todmorden:

Fourthly, in paying the said annual Sums of Two hundred Pounds each for the Endowments of the Five Parishes or Districts to be constituted or assigned as aforesaid.

11. Provided, That if any of the Costs, Expenses, or annual Sums aforesaid shall be payable by the Ecclesiastical Commissioners before any Revenues shall have accrued to them under this Act, or at a Time when there shall be no Balance or an insufficient Balance at the Credit of the Rochdale Vicarage Fund, a Sum to supply the Deficiency shall be advanced by the said Commissioners out of the Common Fund under their Control, and shall be repaid to the Common Fund, with Compound Interest at the Rate of Four per Cent. per Annum, out of Revenues thereafter to accrue to the Rochdale Vicarage Fund. Deficiency (if any) to be made good out of the Common Fund of the Ecclesiastical Commissioners, subject to Repayment.

12. The Ecclesiastical Commissioners shall hold the Surplus of the Rochdale Vicarage Fund, after discharging thereout such Payments and Repayments as aforesaid, upon Trust to apply the same from Time to Time in manner following; (that is to say,) Application of the Surplus of the annual Proceeds.

First, in raising to the annual Sum of Three hundred Pounds, exclusive of Surplice Fees and Pew Rents, the Income of the Incumbent or Minister of each of the Churches or Chapels mentioned

mentioned in the Second Schedule hereto whose Income does not already amount to that Sum:

Secondly, in raising to the annual Sum of Three hundred Pounds, exclusive of Surplice Fees and Pew Rents, the Income of the Incumbent or Minister of each of the Five Parishes or Districts to be constituted or assigned as aforesaid, if or so soon as the Church or Chapel of such Parish or District shall be consecrated:

Thirdly, in raising to the annual Sum of Five hundred Pounds, exclusive of Surplice Fees and Pew Rents, the Income of the Incumbent or Minister of One of the Churches or Chapels mentioned in the said Second Schedule hereto (other than and in addition to the Church or Chapel of St. Clement, Spotland), and in raising to the annual Sum of Four hundred Pounds, exclusive of Surplice Fees and Pew Rents, the Income of the Incumbent or Minister of each of Two other of the Churches or Chapels mentioned in the said Second Schedule, the said Churches or Chapels to be selected by the Ecclesiastical Commissioners with the Concurrence of the Bishop of the Diocese; provided that if the Vicar of Rochdale shall enter into such Agreement as aforesaid for accepting a fixed Income he shall be entitled to select One of the Churches or Chapels the Endowment of which is to be raised to the annual Sum of Four hundred Pounds:

Fourthly, in paying such annual Sum or Sums as the Ecclesiastical Commissioners (with Consent in Writing of the Bishop of the Diocese) shall in their Discretion think fit, for or towards providing for the Maintenance of a Chaplain or Chaplains to the Rochdale Union, or any Workhouse or Workhouses thereof, and for or towards providing for the Maintenance of a Chaplain or Chaplains to any Workhouse or Workhouses of the Saddleworth Union, which may be used exclusively for Inhabitants of any Part or Parts of the ancient Parish of Rochdale aforesaid:

Fifthly, in endowing to such Amount as the said Commissioners, with the Concurrence of the Bishop of the Diocese, shall think fit, the Incumbents or Ministers of any Parishes or Districts already existing, or hereafter to be constituted or assigned from Time to Time with the Consent of the said Bishop, and which Parishes or Districts do or shall consist of or contain any Part or Parts of the Parish of Rochdale, including all Ecclesiastical Divisions and Subdivisions thereof:

Sixthly, in augmenting or endowing such Benefices with Cure of Souls in the Diocese of Manchester, and in the Patronage or alternate Patronage of any Ecclesiastical Corporation, as shall

be

be selected by the Bishop of Manchester for the Time being, and shall be approved by the said Commissioners: Provided always, that when and so soon as the annual Income (exclusive of Surplice Fees and Pew Rents) of the Church called Christ Church, at Healey, in the said Second Schedule hereto mentioned, shall have been raised as aforesaid to Three hundred Pounds, the whole Patronage of the same Church and of the District to which the same belongs (if any) shall be ipso facto, and without any Conveyance or Assurance in the Law, transferred to and vested in and be exercised by the Bishop of the Diocese for the Time being and his Successors; and provided also, that when and so soon as the annual Income (exclusive as aforesaid) of the Church of the Saint Peter at Walsden, in the said Second Schedule hereto mentioned, shall have been raised as aforesaid to Three hundred Pounds, the whole Patronage of the same lastly mentioned Church and of the District thereto attached (if any) shall in like Manner be transferred to and vested in and be exercised by the said Bishop and his Successors.

Mode of determining the Amounts of the Augmentations to be paid by the Ecclesiastical Commissioners. 1 & 2 W. 4 c. 45.

13. For the Purpose of determining the Amounts of the annual Sums to be paid to the Incumbents or Ministers of the said Churches or Chapels respectively mentioned in the Second Schedule annexed to this Act, the annual Income arising from the existing Endowments of each of the said Churches or Chapels at the Time when the said Glebe Lands and Premises shall come into the Possession of the Ecclesiastical Commissioners (except Surplice Fees and Pew Rents, and except certain annual Sums charged upon the said Glebe Lands and Premises in favour of the Incumbents or Ministers of certain of the said Churches and Chapels under the Provisions of an Act of the First and Second Years of His late Majesty King William IV., Chapter 45,) shall be ascertained and determined by the said Commissioners, with the Concurrence of the Bishop of the Diocese and of the Incumbent or Minister of the said Church or Chapel; and a Certificate of the Amount of Income arising from such Endowments (except as aforesaid), under the Common Seal of the said Commissioners, and the Episcopal Seal of the said Bishop, and the Hand of the said Incumbent or Minister, shall be registered in the Registry of the Diocese; and the annual Sum to be paid by way of Augmentation to the Incumbent or Minister of each Church or Chapel, and his Successors, shall be such Amount as will make up the Income payable in respect of the said Church or Chapel under the Provisions herein contained, notwithstanding any subsequent Variation in the original Endowment: Provided that from and after the Registration of the Certificate of Endowment of any

Church or Chapel to the Incumbent or Minister of which One of the said annual Charges is payable, such annual Charge shall be deemed to be included in the fixed Sum to be paid by way of Augmentation as aforesaid, and shall cease to be chargeable on the said Glebe Lands and Premises further or otherwise than such Augmentation is chargeable thereon under the Provisions herein contained: Provided also, that in the event of any Delay taking place in the Preparation or Registration of any Certificate of Endowment the said Commissioners shall in the meantime make such Payments in respect of the corresponding Augmentation as they in their Discretion shall think just.

Half the Sittings of augmented Churches to be free.

14. From and after the Expiration of Three Years from the Time when the Income of any existing Benefice augmented under this Act shall amount to the annual Sum of Three hundred Pounds exclusive of Surplice Fees and Pew Rents, One Half Part at least of the whole Number of Pews or Sittings in the Church or Chapel thereof shall be declared by the Commissioners and the Bishop of the Diocese to be free Sittings, such Sittings to be selected by the Bishop of the Diocese so that, having regard to Position and Convenience, they may be as advantageously situated as the remaining Moiety of the Pews and Sittings.

The Ecclesiastical Commissioners may substitute Land or other Hereditaments vested in them for the Purposes of this Act for any Money Payment.

15. At any Time after any of the annual Sums aforesaid to be respectively paid to the Vicar of Rochdale and to the Incumbents or Ministers of the said several Churches or Chapels, or to the Incumbents or Ministers of other Parishes or Districts, shall have become payable, it shall be lawful for the Ecclesiastical Commissioners, with the Consent of the Bishop of the Diocese, and of the Vicar, Incumbent, or Minister, to appropriate and set apart for the Use of any such Vicar, Incumbent, or Minister, and his Successors, in lieu of the said annual Sum directed to be paid to him and them as aforesaid, or of any Part thereof, such specific Lands or Hereditaments, Part of the said Glebe Lands and Hereditaments, or of other the Lands and Hereditaments for the Time being vested in the said Commissioners for the Purposes of this Act, as, according to the Certificate of Two competent Surveyors, One to be appointed by the said Commissioners, and the other by such Vicar, Incumbent, or Minister, or of an Umpire to be appointed by such Surveyors, shall appear to be equivalent at least to produce a clear yearly Sum, after Payment of all Outgoings (except the Income Tax, if any), equal to such annual Sum or to such Part thereof; and an Instrument in Writing containing the Terms of such Appropriation, and under the Hand of the Vicar, Minister, or Incumbent, and the Episcopal Seal of the said Bishop, and the Common Seal of the said Com-

Commissioners, shall be registered in the Registry of the Diocese, and published in the "London Gazette;" and from and after the Time which shall be fixed for that Purpose by the said Instrument, and after the said Publication, the Lands or other Hereditaments so appropriated for such Vicar, Incumbent, or Minister, and his Successors, shall, by force of this Act, and of such Instrument, without any further Conveyance, be vested in such Vicar, Incumbent, or Minister, and his Successors, as Part of the Endowment of his Vicarage, Church, or Chapel, and the Rochdale Vicarage Fund shall thenceforth be freed and discharged from all Claims and Demands by or on behalf of the Vicar, Incumbent, or Minister of the same Vicarage, Church, or Chapel in respect of the said annual Sum, or of the Part thereof, for which the said Lands or Hereditaments have been so declared to be an Equivalent; provided that any such Instruments may relate to several Appropriations, or to One Appropriation, as may be most convenient.

The Ecclesiastical Commissioners to have all legal Powers of enforcing Payments, &c.

16. The Ecclesiastical Commissioners shall, for the Purpose of enforcing Payment of all Profits and Emoluments to be paid to them, and of obtaining Possession of the Hereditaments and Premises vested in them for the Purposes of this Act, and of recovering the Rents and Profits thereof, have and enjoy all the Rights, Powers, and Remedies in that Behalf, at Law or in Equity, of the Vicar of Rochdale and his Successors.

Repeal of the Special Leasing Acts, 4 G 3. c. 28 (Private). 8 & 9 Vict. c. 19. (Private).

17. From and after the Time when the said Glebe Lands and Premises shall become vested in the Commissioners, the Act of the Fourth Year of His late Majesty King George the Third, Chapter Twenty-eight, intituled "An Act to enable the Vicar of Rochdale "in the County of Lancaster to grant a Lease or Leases of the "Glebe Lands belonging to the Vicarage," and the Act of the Eighth and Ninth Years of Her present Majesty, Chapter Nineteen, being an Act to amend the lastly mentioned Act, shall be and be be deemed to be repealed: Provided always, that such Repeal shall not be held to take away or diminish any Estate or Interest, or Right or Liability, which may have been theretofore created, granted, or incurred by or on behalf of the Vicar of Rochdale and his Successors, or any Persons who have become Tenants under him and them in accordance with the Provisions of such Statutes, but all such Rights and Liabilities which would otherwise belong or attach to the said Vicar and his Successors shall thereafter belong and attach to the said Commissioners, and be exercised or fulfilled by them, subject to the Provisions of this Act.

The Ecclesiastical Commission-

18. The Commissioners shall have and exercise over the Glebe Lands, Hereditaments, and Premises vested or to be at any Time

ers may sell Land and Hereditaments with the Consent of theBishop.

vested in them for the Purposes of this Act all the same and the like Rights and Powers of Ownership as are possessed and enjoyed respecting and over any Lands and Hereditaments by any absolute Owner thereof: Provided always, that any Sum of Money received by the said Commissioners for the Sale, Transfer, or Conveyance of any Part or Parts of such Lands or Hereditaments shall be applied by them, so soon as conveniently may be after the Receipt thereof, in the Purchase and Acquisition of other Lands or Hereditaments, and shall be in the meantime invested in some Government or Parliamentary Stock in England; and the annual Rents and Profits of the Lands and Hereditaments so to be acquired as last aforesaid, and the Dividends or annual Proceeds of such Stock, shall be carried to the Credit of the "Rochdale Vicarage Fund" aforesaid; provided also, that no absolute Sale or Conveyance of the Fee Simple in such Glebe Lands or in any Part thereof under the Provisions of this Statute, shall be valid or effectual without the Consent in Writing of the Bishop of the Diocese.

The Corporation of Rochdale to have the Option of taking a Part of the Glebe Lands.

19. Whereas Part of the Glebe Lands is convenient to be used as a Pleasure Ground or Place of public Recreation; (that is to say,) the Lands called Cant Hill and Broad Field, containing about Fourteen Acres, and delineated and coloured Pink on each of Two like Plans, one signed by the Surveyor of the Ecclesiastical Commissioners and deposited with the Town Clerk of Rochdale, and the other signed by the Town Clerk of Rochdale and deposited with the Ecclesiastical Commissioners; Be it enacted, That at any Time within the Space of Two Years next after the Glebe Lands shall have become vested in the Ecclesiastical Commissioners the said Commissioners shall, if required by the Mayor, Aldermen, and Burgesses of the Town and Borough of Rochdale, acting under the Provisions of "The Rochdale Improvement Act, 1853," grant and convey to the said Mayor, Aldermen, and Burgesses, and their Successors, the said Part of the Glebe Lands at the perpetual annual Rent of Three hundred and eighty Pounds, payable half-yearly, free from all Rates, Taxes, and Deductions whatsoever.

Terms of the Grant to the Corporation.

20. The Conveyance shall be made subject to any Lease or Leases, granted or agreed to be granted, of the said Land or any Part thereof, and to the Rights or Interests therein of any Person or Persons claiming under any Lease or Leases granted or agreed to be granted of any other Part of the Glebe Lands, and shall contain a Reservation of Mines and Minerals, with full Powers of working the same by underground Operations, and of making underground Communications for the Convenience of adjacent Mines, leaving sufficient Support for the Surface; and shall contain a Covenant for Payment

Payment of the Rent as from the Day on which the Ecclesiastical Commissioners shall receive Notice from the Corporation of Rochdale of their Intention to require the Conveyance, from which Day the said Corporation shall be entitled to Possession; and shall contain usual Powers of Distress and Entry, which Landlords have for Rent in arrear, for securing the said Rent; and shall contain a Covenant on the Part of the Corporation that the Lands proposed to be conveyed shall be used as a Pleasure Ground or Place of public Resort or Recreation, and for no other Purpose whatsoever, and all other proper and usual Covenants and Provisions for giving Effect to the proposed Arrangement, and particularly a Covenant that no Building or Erection shall be placed upon the said Lands without the Consent of the said Ecclesiastical Commissioners, except such as may be required for the Use of the said Land for the Purposes aforesaid.

New Roads to be made by Commissioners.

21. The Ecclesiastical Commissioners shall dedicate to the Public Three new Streets or Roads; (that is to say,) first, a new Street or Road (coloured Brown on the said Plans) partly set out on the South Side of the said Lands, and called or intended to be called St. Alban Street, extending from Manchester New Road to the Vicar's Drive; secondly, the Vicar's Drive, coloured Blue on the said Plans; and, thirdly, a new Street or Road (coloured Yellow on the said Plans) Thirty Feet wide on the Northerly Side of the said Lands, commencing at Manchester New Road, and intended to be extended so as to connect such Street or Road with Church Lane where it meets Church Stile, the Corporation undertaking to purchase the Term and Interest which any Leaseholder or Leaseholders, or any other Person or Persons (except the said Ecclesiastical Commissioners), may have in such Part of the last-mentioned Street and the Buildings thereon as lies between the Vicar's Drive and Church Stile, and to make and construct or cause to be made and constructed the said Three Streets or Roads, as to the Street or Road coloured Blue on the said Plans, solely at the Expense of the said Corporation, and as to the Streets or Roads coloured Brown and Yellow at the Expense of the Person or Persons liable thereto under the Provisions of the Rochdale Improvement Act, 1853.

On certain Breaches of Covenant, the Lands to revest in the Ecclesiastical Commissioners.

22. Provided, That if the Rent or any Part thereof shall at any Time be in arrear for the Space of Thirty Days after the same shall have been lawfully demanded, and there shall be no sufficient Distress upon the Premises, and Judgment shall have been obtained for Payment of the said Rent, or if default shall be made by the said Corporation in purchasing the Leasehold Interests in the Land intended for the Extension of the said Street or Road from the

Vicarage Drive to Church Stile, or in the Construction of the said Three Streets or Roads, or if the said Lands shall cease to be used as a Pleasure Ground or Place of public Resort or Recreation, or if any Building or Erection shall be placed thereon without the Consent of the said Ecclesiastical Commissioners, except such as may be required for the Use of the said Lands for the Purposes aforesaid, the said Lands shall forthwith, by force only of this Act and without Entry, re-vest or become vested in the said Vicar of Rochdale or the Ecclesiastical Commissioners for England as the Case may be.

The Ecclesiastical Commissioners may apply Moneys and Stock to make permanent Improvements on the Estate and to provide Parsonage Houses.

23. It shall be lawful for the Ecclesiastical Commissioners from Time to Time to sell any Stock for the Time being vested in them for the Purposes of the Rochdale Vicarage Fund, and to apply the Produce of the said Sale, or any other Monies in their Possessions either as Capital or Income on account of the said Fund, to either or both of the following Purposes; (that is to say,)

To the Purpose of making and laying out any Crescents and other open Spaces, Bridges, Roads, Ways, Streets, Squares, Avenues, Passages, Yards, Gardens, Places necessary or convenient for carrying on any Manufacture or Trade, Drains, Sewers, Pipes, Conduits, Easements, and Conveniences, or of otherwise improving the Lands and Hereditaments for the Time being vested in the said Commissioners for the Purposes of this Act, or accommodating the Lessees and Occupiers thereof:

To the Purpose of purchasing, building, or rebuilding, or providing a Site for a Parsonage House for any Benefice which shall have been or may be augmented or endowed under the Provisions of this Act: Provided always, that no such Parsonage House or Site shall be purchased, acquired, or built, without the Consent in Writing of the Bishop of the Diocese being first had and obtained.

The Receipt of the Treasurer or Agent of the Ecclesiastical Commissioners to be a sufficient Discharge.

24. The Receipt of the Treasurer or Treasurers of the Ecclesiastical Commissioners, or of any Agent of the said Commissioners duly authorized in that Behalf, for any Moneys payable or any Stock transferable to the said Commissioners under the Provisions of this Act, shall be a sufficient Discharge for the said Moneys and Stock respectively.

District Parishes to be deemed Vicarages.

25. All Ecclesiastical Divisions already existing or hereafter to be created, which may have been or which may hereafter be formed wholly out of the Ancient Parish of Rochdale aforesaid, or may consist wholly of Portions of such Ancient Parish, and wherein the Ministers

Ministers or Incumbents thereof have and exercise exclusive Cure of Souls, and likewise the New Parish of Christ Church, Friezland, shall be deemed to be Vicarages, and the Incumbents thereof Vicars, without Prejudice nevertheless to the Rights of any other Persons.

After the next Avoidance of the Vicarage of Rochdale, certain Patronage to be transferred to the Bishop of Manchester.

26. From and after the next Avoidance of the Vicarage of Rochdale the succeeding Vicars shall retain the existing Rights of the Vicar of Rochdale and his Successors to the Patronage of the Benefices of which the Churches or Chapels are mentioned in the Third Schedule to this Act, but the Residue of the Ecclesiastical Patronage of the Successors of the Vicar of Rochdale as such Vicars shall be transferred to and vest in the Bishop of Manchester and his Successors: Provided that nothing in this Act shall affect any Right of Patronage of the present Vicar of Rochdale, save and except as is herein specifically declared and provided.

Confirming the Substitution of Christ Church, Todmorden, for the old Church or Chapel thereof.

27. And whereas a new Church has been built in the Parochial Chapelry of Todmorden in the said Parish of Rochdale, and the same was consecrated in the Year One thousand eight hundred and thirty-two, and named Christ Church: And whereas by the Sentence of Consecration it was declared that the Maintenance of the Minister of the said Church and of the other Officers thereof should be as well by and out of such Funds and Revenues as the Minister and other Officers of the old Parochial Church or Chapel of Saint Mary, Todmorden, (in the said Sentence styled the old Chapel of Todmorden,) were entitled to, as also by and out of such Pew Rents or other Emoluments as might be granted or assigned by the Commissioners for promoting the Building of additional Churches in populous Places, and Doubts are entertained whether the said Sentence of Consecration was effectual to transfer the said Funds and Revenues to the new Church of Christ Church aforesaid: And whereas the Vicar of Rochdale, as such Vicar, is the Patron as well of the said new Church as of the old Church or Chapel of the said Parochial Chapelry; and the Rev. Anthony John Plow has been licensed to perform the Office of Perpetual Curate of the said new Church and of the Chapelry in the said Licence styled the Parochial Chapelry of Christ Church, Todmorden: And whereas it is expedient that all Doubts as to the Validity of the said Transfer, and as to the Title of the said Rev. Anthony John Plow to perform such Office, should be removed: Be it enacted, That it shall be lawful for the said Commissioners, by an Instrument under their Common Seal, with the Consent of the said Vicar of Rochdale and of the said Rev. Anthony John Plow (if he shall continue in such Office), to declare that the said new Church of Christ Church, Todmorden

m orden, situate in the said Parochial Chapelry of Todmorden, shall be de emed to be substituted for the old Parochial Church or Chapel of Saint Mary, Todmorden, situate in the same Chapelry; and that all the Endowments, Emoluments, and Rights of or belonging to the said old Church or Chapel of Saint Mary, or to the Incumbent thereof, shall be deemed to be transferred to the said new Church of Christ Church, and to the said Rev. Anthony John Plow, or other the Incumbent thereof, and his Successors, for ever: Provided that such Transfer and Substitution shall be deemed to have taken place at the Date of the said Sentence of Consecration, but not so as to prejudice any Person in respect of past Transactions.

The old Church of Todmorden to become a Chapel of Ease.

28. From and after the passing of this Act the Freehold of the said old Church or Chapel of Saint Mary shall be vested in the Incumbent for the Time being of Christ Church aforesaid, and the same old Church or Chapel of Saint Mary shall be deemed to be a Chapel of Ease to Christ Church aforesaid, and shall be served by the said Rev. Anthony John Plow, or other the Incumbent of Christ Church for the Time being, or by his Assistant Curate, duly licensed, and during the Incumbency of the said Rev. Anthony John Plow it shall not be lawful, without his Consent in Writing, to withdraw the said old Church or Chapel of Saint Mary from his Superintendence and Control, by assigning a District thereto, or by specifying it as the Parish Church of a new District, or otherwise howsoever.

Reducing the Number of Churchwardens and Sidesmen of the Parish of Rochdale.

29. And whereas there are Ten Churchwardens and Ten Sidesmen of the Parish of Rochdale, and having regard to the Limits of the District belonging to the Parish Church the said Number is found to be inconveniently large: Be it enacted, That for the future Two Churchwardens and Two Sidesmen only shall be elected for the said Parish, One Churchwarden and One Sidesman being chosen by the Vicar, and the other Churchwarden and the other Sidesman being chosen by the Persons entitled to take part in such Election.

Repeal of the 55 G. 3. c. lxxx. (Local.)

30. And whereas under the Provisions of a Local Act of Parliament passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled "An Act for building a Chapel of "Ease in the Town of Rochdale, in the County Palatine of Lan-"caster," certain Persons were appointed Trustees for building and erecting a Church or Chapel of Ease in the Town of Rochdale for the Use of the Inhabitants of the said Town and Parish, and receiving Rates for the Purpose of building the said Chapel, and providing a House for the Residence of the Minister and Curate thereof;

thereof; and it was amongst other things enacted, that the Trustees should sell the Fee Simple and Inheritance of the Pews and Seats not appropriated to the Poor, and apply the Proceeds in or towards paying off the Building Debts, with a Proviso that on every such Sale a yearly Rent should be affixed to the Pew or Seat, so that such Rents might amount in the whole to not less than Two hundred and twenty Pounds per Annum, out of which the Trustees were to pay the annual Sum of Two hundred Pounds to the Minister, and Fifteen Pounds to the Clerk; and the Proprietors of Pews or Seats were empowered to appoint a Lecturer, to be paid by voluntary Subscription, and to appoint to the Offices of Church or Chapel Warden, and Clerk, and Organist, and were made liable to a Rate to provide for certain Expenses of Divine Service, and for interior Repairs; and it was further enacted, that for the Purposes of that Act it should be lawful for the Trustees to levy a Rate on the Occupiers of all Houses, Buildings, Lands, Tenements, and Hereditaments in the Town of Rochdale not exceeding One Shilling in the Pound in any One Year: And whereas, in pursuance of the said Act, a Chapel and House were duly built and provided by the said Trustees, the Sites whereof were and still are respectively vested in them, and the said Chapel was consecrated by the Title of "St. James Wardleworth," and by an Order of Her Majesty in Council dated the Twenty-fifth Day of May One thousand eight hundred ane forty-four, and published in the London Gazette on the Thirtieth Day of November One thousand eight hundred and forty-four, a District was assigned thereto: And whereas the Pews or Seats were duly so let in pursuance of the Provisions of the said Act, but the greater Part of the Proprietors are dead or not to be found, and their Representatives cannot be traced, by reason whereof the Rents reserved on the Sale of such Pews or Seats cannot be recovered, and the said Pews or Seats cannot be effectually allotted to new Residents in the District, and the Powers vested in the Proprietors cannot conveniently be exercised: And whereas the Number of the Trustees named in the said Act is now much reduced, and no Sum of Money is due under the said Act upon the Security of any Rate or otherwise, and no Attempt has been made to levy any Rate for many Years: And whereas it is expedient that the said Church or Chapel, and the District asssigned thereto, should be brought under the Operation of the general Law relating to "New Parishes:" Be it enacted, That the said Act of the Fifty-fifth Year of His late Majesty King George the Third shall be and the same is hereby repealed, excepting Sections Seventeen, Twenty-three, Twenty-four, Twenty-five, and Twenty-six, but not excepting the Proviso to such Twenty-fifth Section.

Placing St. James, Wardleworth, under the Provisions of 19 & 20 Vict. c. 104.

31. Notwithstanding the said Order of Her Majesty in Council, dated the Twenty-fifth Day of May One thousand eight hundred and forty-four, the Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter One hundred and four, and the Acts therein referred to shall, subject to the Provisions of this Act, be applicable to the said District, and to the Church or Chapel and Incumbent thereof, and to all Persons and Things connected therewith, as if the said District had been constituted by an Order of Her Majesty in Council in pursuance of the said Acts, issuing on the Day of the passing of this Act, and the said Church or Chapel had been specified as the Parish Church: Provided that all relevant general Provisions of this Act shall be deemed to include the Case of St. James, Wardleworth, without its being specifically named.

Vesting the Freehold of the Church and Parsonage in the Incumbent.

32. The Freehold of the Site of the said Church or Chapel and of the House of Residence, with the Appurtenances thereof respectively, is hereby vested in the Incumbent and his Successors for ever.

Half the Pews to be free, and the Remainder to be dealt with under the Church Building Acts.

33. From and after the passing of this Act One Half Part at least of the whole Number of Pews or Sittings in the said Church or Chapel of Saint James, Wardleworth, shall be declared by the Ecclesiastical Commissioners and the Bishop of the Diocese to be free Sittings, such Sittings to be selected by the Bishop of the Diocese, so that, having regard to Position and Convenience, they may be as advantageously situated as the remaining Moiety of the Pews and Sittings; and it shall be lawful for the said Commissioners to deal with the said remaining Moiety and the Rents thereof in manner provided by an Act of the Fifty-eighth Year of the Reign of His late Majesty King George the Third, intituled "An "Act for building and promoting the building of additional Churches "in populous Parishes," having regard to the existing Statutory Modifications thereof.

Short Title.

34. For all Purposes of Recital or Reference it shall be sufficient to mention this Act as "The Rochdale Vicarage Act, 1866."

FIRST

FIRST SCHEDUDE.

All that Messuage or Dwelling House called or known by the Name of the Vicarage, together with the Coach House, Stabling, Barn, Shippon, Outbuildings, Pleasure Grounds, Yard, Gardens, and Croft or Enclosure of Land, with the Appurtenances, situate and being in the Borough of Rochdale aforesaid, bounded on the Northerly Side thereof by Land sold to the Corporation of Rochdale for public Purposes, on the Easterly Side in part by the said Land sold to the said Corporation, in other Part by other Part of the said Glebe Land, and in other Part by the old Churchyard, on the Southerly Side by other Part of the said Glebe Land called Broadfield, and by a public Footway leading to the said Broadfield, and being also the Carriageway leading to the said Vicarage, and on the Westerly Side by other Part of the said Glebe Land called Sparrow Hill, and which said Pleasure Ground, Gardens, Lands, and Premises contain by Estimation about Three Acres and a Half of Land, and are enclosed on all Sides by Walls or Flag Fences, except where they abut on the Land sold to the said Corporation.

SECOND SCHEDULE.

St. Chad (Saddleworth).
Christ Church (Todmorden).
The Holy Trinity (Littleborough).
St. James (Milnrow).
Christ Church (Healey).
St. Peter (Walsden).
St. James (Wardleworth).
St. John (Smallbridge).
St. Thomas (Friarmere).
The Holy Trinity (Dobcross).
St. Anne (Lydgate).
St. Alban (Rochdale).
St. James (Wardle).
St. Paul (Norden).
St. Martin (Castleton Moor).
St. Mary (Rochdale).
St. Clement (Spotland).

THIRD SCHEDULE.

St. James (Wardleworth).
St. Mary (Rochdale).
The Holy Trinity (Littleborough).
St. James (Milnrow).
St. Alban (Rochdale).

Rochdale Vicarage.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

For vesting the Glebe Lands of the Vicarage of Rochdale in the County of Lancaster in the Ecclesiastical Commissioners for England, and for making Provision for the Endowment of the said Vicarage in lieu thereof, and for the Promotion of other Ecclesiastical Purposes connected therewith.

(*Prepared and brought in by Mr. Walpole and Mr. Bouverie.*)

Ordered, by The House of Commons, *to be Printed,* 19 *June* 1866.

[Bill 196.]

Under 3 *oz.*

Sale of Land by Auction Bill.

ARRANGEMENT OF CLAUSES.

CLAUSE

1. Short Title of Act.
2. Commencement of Act.
3. Interpretation of Terms.
4. Conditions to be read before the Sale.
5. Auctioneer not to bid.
6. Rule respecting Sale without Reserve.
7. Rule respecting Sale subject to reserved Price.
8. Rule respecting Sale subject to Right of Seller or his Agent to bid once or oftener.
9. Proviso in such Case restricting Seller from appointing any Person to bid.
10. Rule respecting open Sales.
11. Sale void if Auctioneer or Bidder for Seller bid, or more than One Person be appointed in contravention of Act.
12. Last bonâ fide Bidder may elect to purchase.
13. Auctioneer liable to Action for Damages.
14. Practice of opening Biddings, by Order of Chancery, except on Ground of Fraud, to be discontinued.
15. Court of Chancery in other respects excepted from Operation of Act.
16. Not to extend to Scotland.

A

B I L L

INTITULED

An Act for amending the Law of Auctions of Estates.

BE it enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

1. This Act may be cited for all Purposes as the "Sale of Land by Auction Act, 1866."

Commencement of Act.

2. This Act shall commence and take effect on the First Day of August, 1866.

Interpretation of Terms.

3. "Auctioneer" shall mean any Person selling by Public Auction any Land, whether in Lots or otherwise:

"Land" shall mean any Interest in any Messuages, Lands, Tenements, or Hereditaments of whatever Tenure:

"Agent" shall mean the Solicitor, Steward, or Land Agent of the Seller.

Conditions to be read before the Sale.

4. Every Auctioneer shall, previously to taking any Bidding at any Sale by Auction of Land, read to the Persons assembled the Conditions of Sale: Provided nevertheless that where Sales by

Auction of Land are commonly held in a Hall or Room where a Set of Conditions are printed and exhibited on the inside Walls so that they can be conveniently read, and the special Conditions refer to them as applicable to the particular Sale, it shall not be necessary for the Auctioneer to read such general Conditions.

Auctioneer not to bid.

5. The Auctioneer shall not at any Sale by Auction of Land make any Bidding for or on behalf of himself or any other Person.

Rule respecting Sale without Reserve.

6. The Particulars or Conditions of Sale by Auction of any Land shall state whether such Land will be sold without Reserve, or subject to a reserved Price, or whether a Right to bid is reserved to the Seller or his Agent, or to some other Person; if it is stated that such Land will be sold without Reserve, or to that Effect, then it shall not be lawful for the Seller to employ any Person to bid at such Sale, or for the Auctioneer to take knowingly any Bidding from any such Person.

Rule respecting Sale subject to reserved Price.

7. Where any Sale by Auction of Land is declared either in the Particulars or Conditions of such Sale to be subject to a reserved Price, then if no Bidding is made equal to or higher than such reserved Price, the Auctioneer shall declare that such Land is not sold, but has been bought in on account of the Owner; but in all such Cases the Amount of such reserved Price shall be stated in Writing, signed by the Seller or his Agent, and delivered to the Auctioneer previous to such Sale: Provided always, that it shall be lawful for such Auctioneer to accept any Bidding at any such Sale made after such Declaration shall have been made, being equal to or higher than such reserved Price.

Rule respecting Sale subject to Right of Seller or his Agent to bid once or oftener.

8. Where any Sale by Auction of Land is declared either in the Particulars or Conditions of such Sale to be subject to a Right for the Seller or his Agent to bid once for each Lot, or generally to bid as often as he shall think proper, the Amount of the Sum below which the Seller does not intend to sell the Land shall in like Manner be stated in Writing, signed by the Seller or his Agent, and delivered to the Auctioneer previous to such Sale.

Proviso in such Case restricting Seller from appointing any Person to bid.

9. Provided always, That where upon a Sale by Auction a Price is reserved as aforesaid, it shall not be lawful for the Seller to appoint any Person to bid; and where the Right to bid is reserved to the Seller or his Agent as aforesaid, it shall not be lawful for the Seller to appoint any other Person than himself or his Agent to bid; nor shall it be lawful for the Seller and his Agent to bid, or for him or his Agent, as the Case may be, to bid on his own Bidding,

Bidding, or beyond the Sum stated in such signed Writing as aforesaid, or for the Auctioneer to take any Bidding from the Seller or his Agent beyond the Sum stated as aforesaid; and where any Person is appointed contrary to the Meaning of this Act, it shall not be lawful for the Auctioneer to take knowingly any Bidding from any such Person.

Rule respecting open Sales.

10. If the Particulars or Conditions of Sale do not state that such Sale will be without Reserve, or subject to a reserved Price, and no Right to bid, whether limited or general, shall be reserved to the Seller or his Agent, but in no other Case, it shall be lawful for the Seller to appoint or nominate as a Person to bid for him any One Person other than the Auctioneer, but not more than One, to bid on his Behalf at such Sale: Provided, that the Sum beyond which such Person shall not bid be stated in Writing, signed by such Seller or his Agent, and which signed Writing shall be delivered to such Person previous to such Sale, and Notice in Writing of such Appointment and of the Sum fixed as aforesaid shall be delivered to the Auctioneer previous to such Sale: Provided always, that it shall not be lawful for any such Person to bid on his own Bidding, or beyond the Sum stated in such signed Writing as aforesaid, or for the Auctioneer to take knowingly any Bidding from such Person beyond such Sum.

Sale void if Auctioneer or Bidder for Seller bid, or more than One such Person be appointed in contravention of Act.

11. If at any Sale by Auction of Lands any Bidding is made by any Auctioneer or Person appointed to bid as aforesaid, or more than One such Person shall be employed at such Sale, in contravention of the Rules of this Act, such Sale shall be void against any bonâ fide Bidder to whom such Land may be knocked down, and who shall be unwilling to complete such Purchase.

Last bonâ fide Bidder may elect to purchase.

12. If at any Sale by Auction of Land, such Land is knocked down to the Bidding of any Person bidding in contravention of the Rules of this Act, the Person making the last bonâ fide Bidding at such Sale may elect to become the Purchaser of such Land at the Price of such last bonâ fide Bidding, provided such Bidder deliver, within Six Days from the Day of Sale inclusive, Notice in Writing of such his Intention to the Auctioneer of such Sale, or leave the same at his Place of Business, and do, at the same Time, pay or tender to such Auctioneer, or the Person acting for him there, the Amount of Deposit required by the Particulars or Conditions of Sale.

Auctioneer liable to Action for Damages.

13. Any Auctioneer who knowingly acts in contravention of the Rules of this Act shall be liable to any bonâ fide Bidder in an Action for Damages occasioned by Loss of Time, Travelling

Expenses, and advising with Counsel or Solicitors on the Conditions of Sale.

Practice of opening Biddings, by Order of Chancery, except on Ground of Fraud, to be discontinued.

14. The Practice of opening the Biddings on any Sale by Auction of Land under or by virtue of any Order of the High Court of Chancery shall, from and after the Time appointed for the Commencement of this Act, be discontinued, and the highest bonâ fide Bidder at such Sale, provided he shall have bid a Sum equal to or higher than the reserved Price (if any), shall be declared and allowed the Purchaser, unless the Court or Judge shall, on the Ground of Fraud or improper Conduct in the Management of the Sale, upon the Application of any Person interested in the Land (such Application to be made to the Court or Judge before the Chief Clerk's Certificate of the Result of the Sale shall have become binding), either open the Biddings, holding such Bidder bound by his Bidding, or discharge him from being the Purchaser, and order the Land to be resold upon such Terms as to Costs or otherwise as the Court or Judge shall think fit.

Court of Chancery in other respects excepted from Operation of Act.

15. Except as aforesaid, nothing in this Act contained shall affect any Sale of Land made under or by virtue of any Order of the High Court of Chancery in England, of the High Court of Chancery in Ireland, or of the Landed Estates Court there, or of the Court of Chancery in the County Palatine of Lancaster, or of any County or other Court having Jurisdiction in Equity.

Not to extend to Scotland.

16. This Act shall not extend to Scotland.

Sale of Land by Auction.

A

BILL

INTITULED

An Act for amending the Law of Auctions of Estates.

(*Brought from the Lords* 3*d May* 1866.)

Ordered, by The House of Commons, *to be Printed,*
11 *May* 1866.

[Bill 155.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law in respect of the Sale and Purchase of Shares in Banking and other Companies.

WHEREAS it is expedient to make Provision for the Prevention of Contracts for the Sale and Purchase of Shares and Stock in Banking and other Joint Stock Companies of which the Sellers are not possessed or over which they have no Control: Preamble.

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

1. That all Contracts, Agreements, and Tokens of Sale and Purchase which shall, from and after the Day of *One thousand eight hundred and sixty-six*, be made or entered into for the Sale or Transfer, or purporting to be for the Sale or Transfer of any Share or Shares, or of any Stock or other Interest, in any Joint Stock Banking or other Joint Stock Company issuing Shares or Stock transferable by any Deed or written Instrument, shall be null and void to all Intents and Purposes whatsoever, unless such Contract, Agreement, or other Token shall be in Writing, and shall set forth and designate such Shares, Stock, or Interest by the respective Contracts for Sale, &c. of Shares to be void unless the Numbers by which such Shares are distinguished are set forth in Contract.

respective Numbers by which the same are distinguished at the making of such Contract, Agreement, or Token on the Register or Books of such Banking or other Joint Stock Company, or where there is no such Register of Shares or Stock by distinguishing Numbers, then unless such Contract, Agreement, or other Token shall set forth the Person or Persons in whose Name or Names such Shares, Stock, or Interest shall at the Time of making such Contract stand as the registered Proprietor thereof in the Books of such Banking or other Joint Stock Company; and every Person whether Principal, Broker, or Agent who shall wilfully insert in any such Contract, Agreement, or other Token any false Entry of such Numbers, or any Name or Names other than that of the Person or Persons in whose Name such Shares, Stock, or Interest shall stand as aforesaid, or who shall, either by Parol or in Writing, sell or undertake to deliver any Shares, Stock, or Interest as aforesaid, without giving in Writing to the Purchaser at the Time of such Sale or Undertaking the designating Number of such Shares on the Register of the Company, or in case of there being no Designation by Number, then without giving in Writing the Name of the Person or Persons in whose Name or Names such Shares, Stock, or Interest shall stand registered at the Time of such Sale or Undertaking, shall be guilty of a Misdemeanor, and be punished accordingly.

Sale and Purchase of Shares.

A

B I L L

To amend the Law in respect of the Sale and Purchase of Shares in Banking and other Companies.

(*Prepared and brought in by Mr. Leeman, Mr. Waldegrave Leslie, and Mr. Goldney.*)

Ordered, by The House of Commons, *to be Printed,* 12 *June* 1866.

[Bill 189.]

Under 1 *oz.*

Salmon Fisheries (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preamble recites 25 & 26 Vict. c. 97., 26 & 27 Vict. c. 50., 27 & 28 Vict. c. 118.

1. Short Title.
2. Recited Acts and this Act to be as One.

Clause A.—Appointment of District Board where none exists at the passing of this Act.

Clause B.—Roll of Proprietors to be made up.

Clause C.—Vacancies or Defect in Qualification not to vitiate Proceedings of Board.

3. Evidence of Proceedings at Meetings.
4. Mandatories may be appointed by Members of District Board.
5. Central Authority.
6. Inspectors to make Reports.
7. Power of Secretary of State to alter Regulations.

Clause D.—Power to amalgamate Two Districts.

8. Byelaws to be valid until altered by Secretary of State.
9. Byelaws not to apply to Watercourse or Mill-lade of Kinnaber.
10. Fish Passes to be attached to Dams with Consent of Secretary of State.
11. Notice required before Secretary of State gives Consent.
12. Supply of Water to Fish Passes.
13. No Person to angle for Salmon without a Licence.

Clause E.—Power to the Board to purchase and remove Dams by Agreement.

Clause F.—Power to the Board to borrow Money.

14. Penalties for Offences.
15. Penalties for using Lights.
16. Penalty for using Roe.
17. Penalties for destroying the Young of Salmon, or disturbing Spawning Beds.

Clause.
18. Penalties for taking unclean Salmon.
19. Penalty for buying or selling Salmon in Close Time.
20. Provision as to Exportation of Salmon.
21. All Boats and other Engines to be removed during Annual Close Time.
22. Question under Thirteenth Section of first-recited Act may be tried by Jury.
23. Justice may grant Warrant to search Premises.
24. Justice may grant Warrant to enter upon Lands.
25. Board and its Officers have Access to examine Dams, Weirs, &c.
26. Apprehension of Offenders.
27. Prosecution for Offences under this Act, and Recovery of Penalties.
28. Forfeiture of Articles found in possession of any Offender.
29. Forfeited Articles may be seized.
30. Minimum Penalties.
31. As to Disqualification of Justices.
32. Offences on Boundary Rivers or on Sea Coast, where to be tried.
33. Fishing illegal where prohibited by existing Law.
34. Title to sue.
35. Expenses may be decerned for.
36. Recovery of Penalties and Expenses.
37. Payment and Application of Penalties.
38. Regulation of Fisheries in the Solway.
39. Extent of Act.
40. This Act not to affect Liabilities incurred or Offences committed.

SCHEDULES.

A

B I L L

INTITULED

An Act to amend the Law relating to Salmon Fisheries in Scotland.

[Note.—*The Words and Clauses printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS an Act was passed in the Twenty-fifth and Twenty-sixth Years of Her present Majesty, Chapter Ninety-seventh, intituled "An Act to regulate and amend the Law respecting the Salmon Fisheries of Scotland;" and another Act was passed in the Twenty-sixth and Twenty-seventh Years of Her present Majesty, Chapter Fifty, intituled "An Act to continue the Powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the First Day of January One thousand eight hundred and sixty-five, and to amend the said Act;" and another Act was passed in the Twenty-seventh and Twenty-eighth Years of Her present Majesty, Chapter One hundred and eighteen, intituled "An Act to amend the Acts relating to Salmon Fisheries in Scotland;" and it is expedient that the recited Acts should be amended, and further Provision made with respect to Salmon Fisheries in Scotland: Preamble. 25 & 26 Vict. c. 97. 26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

 1. This

Short Title.

1. This Act may be cited for all Purposes as "The Salmon "Fisheries (Scotland) Act, 1866."

Recited Acts and this Act to be as One.

2. The recited Acts and this Act shall be read and construed together as One Act.

CLAUSE A. Appointment of District Board where none exists at the passing of this Act.

Where in any District a District Board has not been constituted before the passing of this Act, it shall be lawful for any Two Proprietors of Salmon Fishings in the District to present a Petition to the Sheriff praying that a District Board may be constituted, and the Sheriff shall thereupon direct the Sheriff Clerk to make up a Roll of the Upper Proprietors and a Roll of the Lower Proprietors in the District, and the Sheriff shall thereafter direct the Sheriff Clerk to call a Meeting of the Upper Proprietors, and also a Meeting of the Lower Proprietors, at such Time and Place as he shall direct, and Notice of such Meeting shall be given by Advertisement inserted once at least in Two successive Weeks in a Newspaper printed or circulating in the County or Counties in which the District is situated, and at the same Time with the said Notice the Sheriff shall direct the Sheriff's Clerk also to intimate the Time and Place at which the First Meeting of the Board shall be held after its Election; and the Upper Proprietors and Lower Proprietors present at such separate Meetings respectively shall elect Members of the District Board in the Manner provided in the first-recited Act; and the First Meeting of the said District Board shall be held at the Time appointed by the Sheriff as aforesaid, unless the Upper Proprietors and the Lower Proprietors agree together to appoint another Time and Place for the First Meeting.

CLAUSE B. Roll of Proprietors to be made up.

The Clerk of each District Board, constituted under the recited Acts or this Act, shall make up and keep Rolls of the Upper and Lower Proprietors in the District, and correct the same from Time to Time whenever a new Valuation Roll comes into force; and at any Meeting of the District Board it shall be lawful for any Person whose Name has been erroneously struck out or omitted from the said Roll to apply to the District Board to have his Name entered therein, or for any Person whose Name is on the Roll for the District to object to the Name of any other Person being entered or remaining on the said Roll, on the Ground that he does not appear on the Valuation Roll to be qualified, or that he does not possess the requisite Frontage to the River; and if it shall be proved to the Satisfaction of the Board that such Claim or such Objection is well founded, the Board shall direct their Clerk to enter or strike out the Name accordingly, as shall appear to them just; and if any Person shall be dissatisfied with the

the Decision of the Board, he may appeal by Summary Petition to the Sheriff, and the Sheriff's Decision shall be final, but in such Appeal the Jurisdiction of the Sheriff shall not extend to Questions of Heritable Right.

CLAUSE C. Vacancies or Defect in Qualification not to vitiate Proceedings of Board.

No Act or Proceeding of a District Board shall be questioned on account of any Vacancy or Vacancies in their Body, and no Defect in the Qualification or Appointment of any Person or Persons acting as a Member or Members of such Board shall be deemed to vitiate any Proceedings of such Board in which he or they have taken part.

Evidence of Proceedings at Meetings.

3. The Minutes of the Proceedings of every Meeting of a District Board shall be signed by the Chairman; and any Minute of Proceedings of any Meeting of such Board, signed by the Chairman of that Meeting, shall be receivable in Evidence in all legal Proceedings without further Proof; and, until the contrary is proved, every Meeting of the Board in respect of which Minutes have been so made and signed shall be deemed to have been duly convened and held, and all the Members thereof to have been duly qualified.

Mandatories may be appointed by Members of District Board.

4. It shall be lawful for any Member of any District Board appointed under the Powers of the recited Acts, or any of them, or this Act, from Time to Time to nominate and appoint, by Writing under his Hand, any Person as the Mandatory of such Member, to attend, act, and vote at any Meeting of such District Board; and every such Nomination and Appointment shall subsist until recalled by the Member making the same.

Central Authority.

5. The general Superintendence of the Salmon Fisheries throughout Scotland shall be vested in the Secretary of State; and it shall be lawful for the Secretary of State, when he shall see fit, to appoint Inspectors of Fisheries, to perform such Duties as he may assign to them as necessary or expedient for carrying on the Superintendence of the Fisheries; and such Inspectors may be appointed either annually or for any specified Time, or for the Performance of any special Duty, as the Secretary of State may see fit, and shall receive such Salary or Remuneration for special Services as may from Time to Time be determined by the Commissioners of Her Majesty's Treasury.

Inspectors to make Reports.

6. When the Secretary of State shall see fit to appoint Inspectors to hold Office from Year to Year, such Inspectors shall annually make Reports containing as far as practicable a Statistical Account of the Fisheries, with such other Information as can be collected,

and Suggestions for the better Regulation and Improvement of the Fisheries; and all such Reports shall be laid before Parliament.

Power of Secretary of State to alter Regulations.

7. Any District Board at any Meeting of which due Notice has been given by Advertisement at least Ten Days previously in a Newspaper printed or circulated in the County or Counties in which the District is situated may resolve to petition the Secretary of State to do any of the following Things:

(1.) To vary or extend the Annual Close Time in such District, provided that the Annual Close Time shall in no Case be less than One hundred and sixty-eight Days:

(2.) To extend the Weekly Close Time in such District, provided that the Weekly Close Time shall in no Case be less than Thirty-six Hours:

(3.) To alter the Regulations with respect to the Observance of Annual or Weekly Close Time in so far as they relate to such District:

(4.) To alter the Regulations with respect to Meshes of Nets in so far as they relate to such District:

(5.) To alter the Regulations with respect to the Construction and Use of Cruives and Cruive Dykes or Weirs within such District:

(6.) To alter the Regulations with respect to Mill Dams or Lades or Water Wheels within such District.

And such Petition, authenticated by the Signature of the Chairman of the Board, shall be transmitted to the Secretary of State by the Clerk of the Board, after Notice thereof has been given by Advertisement Once at least in each of Two successive Weeks, in a Newspaper printed or circulating in the County or Counties in which the District is situated, and the Secretary of State may direct such Inquiry to be made, and such Notice thereof to be given as he shall think fit.

And any Alteration petitioned for in such Manner by any District Board may be made by the Secretary of State, if he shall see fit, by Order under his Hand, and such Order shall be published in the "Edinburgh Gazette," and a Copy of the "Edinburgh Gazette" containing such Order shall be Evidence of the same having been made; but the Secretary of State shall not entertain any such Petition until it shall be proved to him, by such Evidence as he shall think satisfactory, that Notice of such Petition has been duly given in manner aforesaid: Provided, that such Alteration shall not interfere with any Rights held at the Time of the passing of the Act Twenty-fifth and Twenty-sixth Victoria, Chapter Ninety-seven, under Royal Grant or Charter or possessed for Time immemorial.

The

CLAUSE D.

Power to amalgamate Two Districts.

The District Boards of Two or more Districts, whether having a common Estuary or otherwise, may respectively petition the Secretary of State to amalgamate such Districts into One District, and Notice of such Petitions shall be published by Advertisement once at least in each of Two successive Weeks in a Newspaper printed or circulating in the County or Counties in which such Districts are situated; and the Secretary of State may direct an Inquiry to be made, if such shall seem to him necessary, and after being satisfied that Notice of such Petitions has been duly given as above provided the Secretary of State may, if he shall see fit, by Order under his Hand, amalgamate such Districts into One District, and appoint a Time and Place for the Election and for the First Meeting of the District Board of the amalgamated District; and such Order shall be published in the "Edinburgh Gazette," and a Copy of the "Edinburgh Gazette" containing such Order shall be Evidence of the same having been made; but in all Cases where more than One River has been included in the same District, the Secretary of State shall have Power on the Application of any District Board (where it has been unanimously resolved at a Meeting of the said Board) to erect each or any River belonging to such District into a separate District, and to assign a Limit to the Estuary of each River as provided for by Section Four of the recited Act Twenty-fifth and Twenty-sixth Victoria, Chapter Ninety-seven.

Byelaws to be valid until altered by Secretary of State.

8. The Byelaws contained in the Schedules (A.), (B.), (C.), (D.), (E.), (F.), and (G.) to this Act annexed shall in all respects be as valid and binding as if the same had been expressly enacted in this Act; but any of the Regulations contained in the said Byelaws may from Time to Time be altered by the Secretary of State, upon Petition by the District Board, in the Manner and to the Effect aforesaid: Provided that such Byelaws or such Regulations shall not interfere with any Rights held at the Time of the passing of the Act Twenty-fifth and Twenty-sixth Victoria, Chapter Ninety-seven, under Royal Grant or Charter or possessed for Time immemorial.

Byelaws not to apply to Watercourse or Mill-lade of Kinnaber.

9. And whereas the Royal Burgh of Montrose is supplied with Water from Sources adjoining the River North Esk, which Water is raised to the Point of Distribution by means of Water Power derived from a Watercourse or Mill-lade having its Intake at Morphie Dam Dyke on the said River, and returning to the River at a Point near the Lower North Water Bridge on the said River, commonly called the Mill-lade of Kinnaber; and great Inconvenience would arise from the Application to the said Watercourse

or Mill-lade of certain of the Byelaws by this Act made valid and binding: Be it enacted, That nothing in the said Byelaws, or in this or in the recited Acts, or any of them, as to the placing of Hecks or Gratings, or the shutting of Sluices at the Intake of Mill-lades, or Watercourse, shall apply to the said Watercourse or Mill-lade known as the Mill-lade of Kinnaber, excepting in so far as regards the lowering of the Intake Sluice during the Weekly Close Time, and then only so as to leave a free Space during such Close Time of not less than Eighteen Inches between the Bottom of the Sluice and the Sill or Bed of such Mill-lade or Watercourse.

Fish Passes to be attached to Dams, with Consent of Secretary of State.

10. If the Owner of any Mill or Dam neglect to erect a Fish Pass, Sluices, and Hecks in conformity with the Provisions of the Byelaw in Schedule (G.) hereto annexed, or after any Fish Pass, Sluices, or Hecks have been erected neglect to keep them in repair, the District Board, or any Proprietor of a Fishery in the District in which such Mill or Dam is situated, with the written Consent of the Secretary of State, may attach to any such Mill or Dam a Fish Pass, Sluices, and Hecks of such Form and Dimension as the Secretary of State may approve, having regard to the Provisions of the Byelaw in the foresaid Schedule, or may execute such Repairs as the Secretary of State may approve; and the Expense of erecting such Fish Pass, Sluices, and Hecks or executing the Repairs upon the same may be recovered by Action for Debt in the ordinary Manner from the Owner of the Mill or Dam by the foresaid District Board or Proprietor; and any Person obstructing any Person legally authorized in erecting or doing any necessary Act to erect or maintain any Fish Pass, Sluice, or Heck shall be liable to a Penalty not exceeding Ten Pounds for each Act of Obstruction; and any Person injuring any Fish Pass, Sluice, or Heck shall pay the Expense of repairing the Injury, such Expense to be recovered in a summary Manner, and, in addition thereto, if such Injury is wilful, shall incur a Penalty not exceeding Ten Pounds.

Notice required before Secretary of State gives Consent.

11. The Secretary of State shall not give his Consent to the Attachment by a Proprietor of a Fish Pass to any Dam or to the Attachment of any Sluice or Heck, or to the Execution of any Repairs thereon, in pursuance of the last preceding Section, unless such Proprietor proves to the Satisfaction of the Secretary of State that he has served Notice on the Owner of such Mill or Dam of his Intention to apply for such Consent, and at the same Time has furnished him with Plan and Specification of the Fish Pass, Sluices, or Hecks which he proposes to erect, or the Repairs which he proposes to execute, Fourteen Days before his Application;

cation; and it shall be lawful for such Owner to urge any Objection he may think fit to the Secretary of State against his giving his Consent, and the Secretary of State shall before giving his Consent, take any Objections so made into consideration.

Supply of Water to Fish Passes.

12. In every Dam the Sluices, if any, for drawing off the Water which would otherwise flow over the Dam, and the Sluices through which the Water flows into the Lade, shall be kept shut at all Times when the Water is not required for milling Purposes, in such Manner that the Water may be made to flow through the Fish Pass, which is directed to be attached to every Dam; and any Person making Default in complying with the Provisions of this Section shall incur a Penalty not exceeding Five Shillings per Hour for every Hour during which such Default continue; but this Section shall not preclude any Person from opening a Sluice for the Purpose of letting off Water in Cases of Flood, or when necessary for the Purpose of Navigation, or for cleaning or repairing any Dam or Mill, or the Appurtenances thereof.

No Person to angle for Salmon without a Licence.

13. The Clerk of every District Board shall, by himself or by some Person duly appointed by him, issue to every Person who shall apply to him a Licence to angle for Salmon with Rod and Line within such District during the Fishing Season of the Year, or any Portion thereof, in which such Licence is issued, and such Licence shall be in the Form or to the Effect set forth in Schedule (H.) to this Act annexed, and subject to the Charges set forth in such Schedule; but such Licence shall only authorize the Person named in it so to angle for Salmon at Places in such District where he has otherwise the Right of Salmon Fishing, or Permission from the Person having such Right; and every Person angling for Salmon with Rod and Line shall, when requested by any Owner or Occupier of a Salmon Fishery in such District, or any Person in the Service or Employ of such Owner or Occupier, or in the Service or Employ of the District Board, produce such Licence to and permit the same to be read by such Owner, Occupier, or Person; and if any Person shall angle for Salmon with Rod and Line without having such Licence, or shall not produce and permit the same to be read, as before provided, he shall for every such Offence be liable in a Penalty of Two Pounds, and shall forfeit all Salmon found in his Possession.

CLAUSE E.
Power to the Board to purchase and remove Dams by Agreement.

The District Board shall by Agreement have Power to purchase, for the Purpose only of Removal, any Dam, Weir, Cruives, or other Fixed Engines they may deem it expedient to remove for the Benefit of the Fisheries in their District, and to remove any natural Obstructions to the Passage of Fish in the Bed of a River, or

or to attach a Fish Pass to any Waterfall, and generally to execute such Works, do such Acts, and incur such Expenses as may appear to them expedient for the Protection or Improvement of the Fisheries within their District, the Increase of Salmon, or the stocking of the Waters therewith; but it shall not be lawful for the Board to pay to any Member of the Board any Salary or Fees for his acting in any way as a Member of or under the Board.

CLAUSE F. Power to the Board to borrow Money.

Any Expenses incurred by the District Board in carrying out the Provisions of this Act may be defrayed out of the Assessment which they are empowered to lay on by the first-recited Act; and any District Board may, for the Purpose of defraying any Charge or Expenses incurred by them under the Powers of the last Section, with the Consent of the Secretary of State, borrow and take up at Interest on the Credit of any Assessment they are authorized by this Act to impose any Sum of Money necessary for defraying such Charge or Expenses.

Penalties for Offences.

14. Sections Eleven and Twelve of the first-recited Act are hereby repealed, and in place thereof be it enacted, every Person who commits any of the following Offences—

(1.) Who fishes for, takes, or attempts to take, or aids or assists in taking Salmon during the Annual Close Time by any Means other than Rod and Line;

(2.) Who fishes for, takes, or attempts to take, or aids or assists in taking Salmon (except during Saturday or Monday, by Rod and Line,) during the Weekly Close Time, or contravenes in any way any Byelaw in force regarding the Observance thereof;

(3.) Who fishes for or takes Salmon during the Annual Close Time by means of Rod and Line at a Period not sanctioned by the Byelaws in force in the District;

(4.) Who fishes for Salmon with a Net having a Mesh, contrary to any Byelaw;

(5.) Who sets or uses a Net or any other Engine for the Capture of Salmon when the Fish show themselves when leaping at or trying to ascend any Fall or other Impediment;

(6.) Who does any Act for the Purpose of preventing Salmon from passing through any Fish Pass or taking any Salmon in its Passage through the same;

(7.) Who in any way contravenes any Byelaw,

shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Two Pounds for every Salmon taken or killed in an illegal Manner, and shall forfeit the Salmon so taken.

15. Every

15. Every Person that shall use any Light or Fire of any Kind, or any Spear, Leister, Gaff, or other like Instrument, or Otter or Cross Line, for catching Salmon, or have in his Possession a Light or any of the foresaid Instruments under such Circumstances as to satisfy the Court before whom he is tried that he intended at the Time to catch Salmon by means thereof, shall be liable to a Penalty not exceeding Five Pounds, and shall forfeit any of the foresaid Instruments found in his Possession; but this Section shall not apply to any Person using a Gaff as auxiliary to angling with a Rod and Line. Penalties for using Lights.

16. Every Person that shall use any Fish Roe for the Purpose of fishing, and every Person that shall buy, sell, or expose for Sale, or have in his Possession, any Salmon Roe, shall for every such Offence be liable to a Penalty not exceeding Two Pounds, and shall forfeit all Salmon Roe found in his Possession; but this Section shall not apply to any Person who uses or has in his Possession Salmon Roe for artificial Propagation or scientific Purposes, or gives any Reason satisfactory to the Court by whom he is tried for having the same in his Possession. Penalty for using Roe.

17. Every Person who shall wilfully take or destroy any Smolt or Salmon Fry, or shall buy, sell, or expose for Sale, or have in his Possession the same, or shall place any Device or Engine for the Purpose of obstructing the Passage of the same, or shall wilfully injure the same, or disturb any Spawning Bed, or any Bank or Hollow in which the Spawn of Salmon may be, or, during the Annual Close Time, shall obstruct or impede Salmon in their Passage to any such Bed, Bank, or Hollow, shall be liable to a Penalty not exceeding Five Pounds for every such Offence, and shall forfeit every Rod, Line, Net, Device, or Engine used in committing any such Offence, and shall forfeit any Smolt or Salmon Fry that may be found in his Possession; but nothing herein contained shall apply to Acts done for the Purpose of artificial Propagation of Salmon or other scientific Purpose, or in the course of the Exercise of Rights of Property in the Bed of any River or Stream: Provided also, that the District Board may, with the Consent of all the Proprietors of Salmon Fisheries in any River or Estuary, adopt such Means as they think fit for preventing the Ingress of Salmon into narrow Streams in which they or the Spawning Beds are from the Nature of the Channel liable to be destroyed, but always so that no Water Rights used or enjoyed for the Purposes of Manufactures, or Agricultural Purposes or Drainage, shall be interfered with thereby. Penalties for destroying the Young of Salmon, or disturbing Spawning Beds.

Penalties for taking unclean Salmon.

18. Every Person who shall wilfully take, fish for, or attempt to take, or aid or assist in taking, fishing for, or attempting to take any unclean or unseasonable Salmon, or who shall buy, sell, or expose for Sale, or have in his Possession, any unclean or unseasonable Salmon, shall be liable to a Penalty not exceeding Five Pounds in respect of each Fish, taken, sold, or exposed for Sale, or in his Possession, and shall forfeit every such Fish; but this Section shall not apply to any Person who takes such Fish accidentally, and forthwith returns the same to the Water with the least possible Injury, or to any Person who takes or is in possession of such Fish for artificial Propagation or scientific Purposes.

Penalty for buying or selling Salmon in Close Time.

19. Any Person who shall buy, sell, or expose for Sale, or have in his Possession for Sale, any Salmon taken within the Limits of this Act between the Commencement of the latest and the Termination of the earliest Annual Close Time which is in force at the Time for any District, shall be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Two Pounds for every Salmon so bought, sold, or exposed for Sale, or in his Possession; and any Salmon so bought, sold, or exposed for Sale, or in his Possession for Sale, shall be forfeited; but the Burden of proving that any such Salmon was caught beyond the Limits of this Act shall lie on the Person selling or exposing the same for Sale, or having the same in his Possession for Sale.

Provision as to Exportation of Salmon.

20. All Salmon intended for Exportation shall be entered for that Purpose with the proper Officer of Customs at the Port or Place of intended Exportation, before Shipment thereof; and any Salmon shipped or exported or brought to any Wharf, Quay, or other Place for Exportation between the Commencement of the latest and the Termination of the earliest Annual Close Time for any District in Scotland, contrary to this Section, shall be forfeited, unless Proof be given to the Satisfaction of the Commissioners of Customs of the Salmon having been legally captured, and the Person shipping or exporting or bringing the same for Exportation, shall be liable to a Penalty not exceeding Two Pounds for every Salmon so shipped or exported, or brought for Exportation; and no Salmon caught by Rod and Line during the Annual Close Time for Net fishing shall be shipped, exported, or brought for Exportation under the like Penalties; and any Officer of Customs may during the aforesaid Period open any Parcel entered or intended for Exportation, or brought to any Quay, Wharf, or Place for that Purpose, and suspected by him to contain Salmon, and may detain any Salmon found in such Parcel until Proof is given to the Satisfaction of the Commissioners of Customs of the Salmon being such

as

as may be legally exported; and if the Salmon before such Proof is given become unfit for Human Food the Officer of Customs may destroy the same.

All Boats and other Engines to be removed during Annual Close Time.

21. The Proprietor or Occupier of any Fishery shall within Thirty-six Hours after the Commencement of the Annual Close Time remove and carry from such Fishery, and from the Landing Places and Grounds adjacent thereto, all Boats, Oars, Nets, Engines, and other Tackle used or employed by such Occupier in taking Salmon, and effectually secure the same so as to prevent their being used in fishing until the End of the Close Time, with the Exception of such Boats and Oars as may be used for angling; and the Proprietor or Occupier of any Cruive shall within Thirty-six Hours after the Commencement of the Annual Close Time remove and carry away all the Hecks, Rails, and Inscales, and effectually secure the same, so as to prevent their being used in fishing, and shall also remove all Planks and temporary Fixtures and other Obstructions to the free Passage of Fish through the Cruive; and any Proprietor or Occupier who neglects to remove and carry away and effectually secure in manner aforesaid any Boat, Oar, Net, Engine, or other Tackle, or any Heck, Rail, or Inscale, or any Obstruction to the Passage of Salmon through a Cruive, shall forfeit every Engine and Thing not removed and carried away in compliance with the Terms of this Section, and for every Day during which he suffers any such Engine or Thing to remain unremoved beyond the Period prescribed in this Act he shall be liable to a Penalty not exceeding Ten Pounds: Provided always, that nothing herein contained shall apply to any Ferry Boat or prevent any Proprietor of Lands from continuing any Boat for the Use of himself or of his Family, if such Boat shall have the Name of the Proprietor painted thereon, and be secured when not in use for lawful Purposes by Lock and Key.

Question under Thirteenth Section of first-recited Act may be tried by Jury.

22. Where any Proceedings are instituted by any Complainer before the Sheriff or Justices against any Person for the Recovery of any Penalties alleged to have been incurred by him under the Provisions of the Thirteenth Section of the first-recited Act, if such Person, herein-after referred to as the "Defender," on appearing before the Sheriff or Justices by whom he is to be tried in pursuance of this Act, alleges, by way of Defence, that he has used the best practicable Means within a reasonable Cost to render such Matter harmless, and proves to the Satisfaction of the Court that in the event of the Complaint being decided against him the Expense of permanently preventing the Matter complained of would exceed One hundred Pounds, and gives Security to be approved by such Sheriff or Justices, to abide the event of an Appeal to the Court of

Session, all Proceedings before such Sheriff or Justices shall be stayed; and it shall be lawful to advocate the Cause to the Court of Session, in order that the Question whether the Defender has used the best practicable Means within a reasonable Cost may be tried by a Jury; and the Court of Session, in disposing of the Expenses of the Action, may make such Order with respect to the Expenses incurred before the Sheriff or Justices as shall seem to them just; and the Verdict of the Jury shall be conclusive as to the Questions of Fact involved in any subsequent Proceedings that may be taken for the Recovery of any Penalties in pursuance of the said Section.

Justice may grant Warrant to search Premises.

23. It shall be lawful for the Sheriff or any Justice of the Peace, upon an Information on Oath that there is probable Cause to suspect any Breach of the Provisions of this Act to have been committed on any Premises, or any Salmon illegally taken, or any illegal Nets or other Engines or Instruments to be concealed on any Premises, by Warrant under his Hand to authorize and empower any Water Bailiff, Constable, Watcher, or other Officer of the Board or Police Officer to enter such Premises for the Purpose of detecting such Offence, or such concealed Fish or Instruments, at such Time or Times in the Day or Night as in such Warrant may be mentioned, and to seize all illegal Nets, Engines, or other Instruments, or any Salmon illegally taken, that may be found on such Premises; provided that no such Warrant shall continue in force for more than One Week from the Date thereof.

Justice may grant Warrant to enter upon Lands.

24. It shall be lawful for the Sheriff or any Justice of the Peace, upon an Information on Oath that there is probable Cause to suspect that any Breach of the Provisions of this Act is being or is likely to be committed on any Land situated on or near to a Salmon River or Salmon Fishery, by Warrant under his Hand to authorize and empower any Water Bailiff, Constable, Watcher, or other Officer of the Board or Police Officer, during a limited Period to be specified in such Order, not exceeding One Week, to enter on and remain on such Lands during any Hours of the Day or Night, for the Purpose of detecting the Persons guilty of the foresaid Acts, and no Person entering or remaining upon any Land by Authority of such Order shall be deemed to be a Trespasser.

Board and its Officers have Access to examine Dams, Weirs, &c.

25. Any Member of the District Board, or Water Bailiff, Police Officer, Constable, Watcher, or Officer of the Board, may examine any Dam, Weir, Cruive, or Fixed Engine, within the Limits of the District, or any artificial Watercourse in that District; and any Owner

Owner or Occupier of any such Dam, Weir, Cruive, or Fixed Engine, or artificial Watercourse, refusing Access thereto, to any such Member of the Board, Water Bailiff, Police Officer, Constable, or Officer of the Board, shall be liable to a Penalty not exceeding Five Pounds for each Offence; and any Member of the Board, or Water Bailiff, Police Officer, Constable, Watcher, or Officer of the Board may search all Boats, Nets, Baskets, or Bags and other Instruments used in fishing for Salmon, or which he may have Reason to suspect may contain Salmon illegally taken, and he may seize all illegal Nets and other Instruments of fishing, and all Fish and other Articles forfeited under the Provisions of this Act, and generally may act as a Constable for the Enforcement of the Provisions of this Act, and when so acting shall be deemed to be a Constable.

Apprehension of Offenders.

26. It shall be lawful for any Person, without any Warrant or other Authority than this Act, brevi manu to seize and detain any Person who shall be found committing any Offence against this Act, and to carry such Person before any Sheriff or Justice of the Peace or other Magistrate, or to deliver such Person to a Constable, who is hereby required to carry such Person before a Justice of the Peace or other Magistrate, who shall forthwith examine, and discharge or commit such Person until Caution de judicio sisti be found as the Case may require.

Prosecution for Offences under this Act, and Recovery of Penalties.

27. All Offences under this Act may be prosecuted and all Penalties incurred under this Act may be recovered before any Sheriff or any Two Justices acting together, and having Jurisdiction in the Place where the Offence was committed, at the Instance of the Clerk of any District Board, or of any other Person; and it shall be lawful for the Sheriff or Justices to whom any Petition or Complaint is presented to proceed in a summary Form, and to grant Warrant for bringing the Persons complained against before him or them, and on Proof on Oath by One or more credible Witness or Witnesses, or Confession of the Person accused, or other legal Evidence, forthwith to determine and give Judgment in such Complaint, without any written Pleadings or Record of Evidence, other than a Record of the Charge and of the Judgment pronounced thereon, and to grant Warrant for the Recovery of all Penalties and Expenses decerned for, by Poinding, and Imprisonment for any Period not exceeding Six Months; and any Person who shall think himself aggrieved by any Judgment of the Sheriff or Justices pronounced in any Complaint or Prosecution under this Act may appeal to the Court of Justiciary at their next Circuit Court, or where there is no Circuit Court to the High Court of Justiciary at Edinburgh, in the Manner and under the Rules, Limitations, Conditions,

ditions, and Restrictions contained in the Act passed in the Twentieth Year of the Reign of His Majesty King George the Second, Chapter Forty-three, for taking away and abolishing Heritable Jurisdictions in Scotland, with this Variation, that such Person shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty and Expenses awarded against him by the Judgment appealed from, in the event of such Appeal being dismissed, together with any additional Expenses that shall be awarded by the Circuit Court or Court of Justiciary on dismissing such Appeal; and it shall not be competent to appeal from or bring the Judgments of any Sheriff or Justices acting under this Act under Review by Advocation or in any other Way than as herein provided.

Forfeiture of Articles found in possession of any Offender.

28. Every Person found guilty of any Offence against any of the Provisions of the recited Acts or any of them, or of this Act, shall, in addition to any other Penalties to which he may be liable, at the Discretion of the Sheriff or Justices before whom he has been tried, forfeit every Boat, Net, Rod, Line, Gaff, Spear, Leister, or other Article or Instrument of whatever Kind which has been or may be used in fishing for or in taking Salmon, or in committing the Offence of which he has been convicted, and which is found in the Possession of such Person at the Time of committing such Offence, and which was capable of being used in the Commission of such Offence, and also any Salmon that may be found in his Possession.

Forfeited Articles may be seized.

29. Any Net, Rod, Line, or other Article directed to be forfeited under this Act may be seized by any Constable, Water Bailiff, Watcher, or other Officer appointed by the Board or Police Officer, and the Sheriff or Justices may either order the same to be destroyed or to be sold, and the Proceeds of such Sale to be paid to the Clerk on behalf of the District Board.

Minimum Penalties.

30. The Penalty in respect of any Offence under this Act shall, on a Conviction for a Second Offence, be not less than One Half the greatest Penalty capable of being imposed in respect of such Offence, and on a Conviction for a Third or subsequent Offence the greatest Amount of Penalty mentioned in this Act shall be imposed; and any Boat, Net, Rod, Line, or other Article or Thing used in the Commission of any Offence under this Act, or found in the Possession of the Offender, shall be forfeited.

As to Disqualification of Justices.

31. No Justice of the Peace shall be disqualified from hearing any Case arising under this Act by reason of his being a Member of

of a District Board; provided that no Justice shall be entitled to hear any Case in respect of an Offence committed on his own Fishery.

Offences on Boundary Rivers or on Sea Coast, where to be tried.

32. Where any Offence under this Act is committed in or upon any Waters forming the Boundary between any Two Counties, such Offence may be prosecuted before a Sheriff or Two Justices of the Peace in either of such Counties, and any Offence committed under this Act on the Seacoast, or at Sea beyond the ordinary Jurisdiction of any Sheriff or Justices of the Peace, shall be held to have been committed within the Body of any County abutting on such Seacoast, or adjoining such Sea, and may be tried and punished accordingly.

Fishing illegal where prohibited by existing Law.

33. It shall not be lawful to fish for or take Salmon at any Place or by any Mode prohibited by any Statute relating to Salmon or Salmon Fisheries in Scotland; and nothing contained in this Act or in any Byelaw shall render legal any Mode of fishing which was or would have been illegal at the Date of the passing of this Act.

Title to sue.

34. Any Proprietor of a Fishery shall be held to have a good Title and Interest at Law to sue by Action any other Proprietor or Occupier of a Fishery within the District, or any other Person who shall use any illegal Engine or illegal Mode of fishing for catching Salmon within the District.

Expenses may be decerned for.

35. In giving Judgment on any Application or Complaint under this Act, the Sheriff or Justices may find the Person complained against liable in Expenses, and may decern for Payment of the same.

Recovery of Penalties and Expenses.

36. All Penalties and Expenses incurred under this Act, or under any Byelaw or Regulation made under the Authority thereof, may be recovered by ordinary Action or in the Small Debt Court of the Sheriff.

Payment and Application of Penalties.

37. The Penalties incurred under this Act shall in all Prosecutions at the Instance of the Clerk of any District Board be payable to and recoverable by such Clerk, and shall in all other Cases be paid and applied in such Manner as the Sheriff or Justices may direct; and all Penalties and Expenses received by the Clerk, and the Proceeds of the Sale of any Articles seized and directed to be sold as before provided, shall be applied by the District Board towards defraying the Expenses incurred by them in carrying into execution the Provisions of this Act.

Regulation of Fisheries in the Solway.

38. The Thirty-third Section of the first-recited Act is hereby repealed, and instead thereof be it enacted: The Provisions of "The Salmon Fisheries Acts, 1861 and 1865," shall extend and apply to the Fisheries in the Waters and on the Shores of the Solway Firth situated in Scotland, as defined in Schedule (B.) to this Act annexed, in so far as such Provisions relate to the Use of Fixed Engines for the taking of Salmon, provided that the Procedure in prosecuting Offences against such Provisions shall be regulated by this Act; and the Limits of the Solway Firth in the Landward Direction shall be the Limits of the Rivers (including the Estuaries thereof) flowing into the same as defined in Schedule (B.) hereto annexed; and in the Waters or on the Shores in Scotland of the said Solway Firth, or in the Rivers, including the Estuaries, flowing into the Solway Firth, it shall not be lawful to use any Fixed Engine which would not, if it were situate in England, be lawful; provided that nothing in this Section shall apply to the Use of Cruives.

Extent of Act.

39. This Act shall not extend to England or Ireland; and no Part of this Act, except the Eighth, Ninth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Twentieth, Twenty-first, Twenty-third, Twenty-fourth, Twenty-sixth, and Thirty-sixth Sections thereof, shall apply to the River Tweed, as defined by the Tweed Fisheries Act, 1859; and the Words "District Board" in the said Sections shall signify the Board of Commissioners of the River Tweed.

This Act not to affect Liabilities incurred, or Offences committed.

40. This Act shall not affect any Action or Prosecution which has been or may hereafter be begun in respect of any Liability incurred or Offence committed before the passing of this Act.

SCHE-

SCHEDULES.

SCHEDULE (A.)

Byelaw.

25th and 26th Vict. Cap. 97.
26th and 27th Vict. Cap. 50.
27th and 28th Vict. Cap. 118.

"Acts to regulate and amend the Law respecting the Salmon Fisheries of Scotland."

We, the Commissioners appointed under the said Acts, and empowered thereby "to fix "for the Purposes of this [the first-recited] Act the Limits of every District, and the "Portions of the Sea Coast adjoining to the Mouth or Estuary of any River to be "included in such District"—and "to fix for the Purposes of this [the first-recited] Act "a Point on each River (including the Estuary thereof) below which the Proprietors of "Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall "be Upper Proprietors"—do hereby fix and determine—

1st. That the Limits of the District of the River Add shall be—on the North, Craignish Point; on the South, Knap Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River contained between the said Points.

2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be 600 Yards below the Junction of the Burn which runs by Dreamore Steading, known as Ruddell Burn; the Distance to be measured along the Course of the Add River.

Given under our hands, this 24th Day of December 1862.

Wm. J. Ffennell,
Fred. Eden,
James Leslie.
} Commissioners.

Fisheries Department, Home Office.

Approved,
G. Grey.

Whitehall, 30 January 1863.

(This Byelaw to take effect from the 10th Day of February 1863.)

The same Byelaw shall apply to the several Districts, according to the Limits, and take effect from the Dates under mentioned, respectively.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
ALINE - - -	1st. That the Limits of the District of the River Aline shall be—on the West, the East End of Fuenary Island ; on the East, Barony Point ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge at the Castle.	10th Feb. 1863.
ALNESS - - -	1st. That the Limits of the District of the River Alness shall be—a Line drawn South from the Left Bank of the Mouth of the Ault-graad River to the Centre of the Firth at High Water, and along the Centre of the Firth as far as Invergordon Ferry, and continued thence by a straight Line to the Ferry Landing-place at Majick Point ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from Munro of Movars Ice House on the West Bank of the River to Dalmore Distillery Chimney on the East Side of the River.	10th Feb. 1863.
ANNAN - - -	1st. That the Limits of the District of the River Annan shall be—on the West, a Line drawn due South (true) from the Easternmost End of East Park Farm, Sea Bank ; on the East, the West Bank or Side of the Water Sark ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Dyke or Mill Dam immediately below the Bridge of the Public Road from Dumfries to Annan.	10th Feb. 1863.
APPLECROSS - -	1st. That the Limits of the District of the River Applecross shall be—on the North, Ru-na-Uag Point, at or near the Mouth of Loch Torridon ; on the South, Skier Vore Point ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the East Gable of the Manse on the Right Side of the River Applecross to the Corner next the Sea of the Dyke Slit on the Left Bank enclosing Fuilein Park.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
Arnisdale (*in Loch Hourn*)	1st. That the Limits of the District of the River Arnisdale (in Loch Hourn) shall be—on the North, a Line drawn due East from the North End of Sandag Island ; on the South, Aird-na Slishnich Point ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Stepping Stones 70 Yards above the Foot Bridge at Cromarty Village.	10th Feb. 1863.
Awe - - -	1st. That the Limits of the District of the River Awe shall be—on the North Point, Appin Ferry, including the East Shore of Lismore Island ; on the South, Craignish Point, excepting Loch Crinan, the Loch to be defined by a Line drawn from the Southernmost Point of the Mainland immediately North of Enska Island, and continued along the outer Face of that Island to the projecting Point of the Mainland nearest to the South-west Point of the said Island, and excepting the Portions of the Sea Coast and Estuary, and River contained between Minard Point and the Bridge from the Mainland over Siel Sound to Siel Island ; the Awe District to include all the Islands within the said Limits South of Lismore Island, East of the Island of Mull and North of Jura ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn at Right Angles with and across the River from the Ice House immediately above the House in the Occupation of Mr. David Baird, at present Tacksman of the Awe Fishings.	10th Feb. 1863.
Aylort (*Kinloch*) - -	1st. That the Limits of the District of the River Aylort (Kinloch) shall be—on the North, Ru-Arasaig ; on the South, Ru-Smersiri ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Burn on the Left Bank of the Aylort next below the Bridge opposite Kinloch Aylort Inn.	10th Feb. 1863.
Ayr - - -	1st. That the Limits of the District of the River Ayr shall be—on the North, the Lighthouse	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
AYR—*continued.*	on the Point of Troon Harbour; on the South, a Line drawn due West from Seafield House; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the lower Dyke or Dam at Ayr Mills.	
BALGAY - -	1st. That the Limits of the District of the River Balgay shall be—On the East, the Mouth of the Burn at Camushole, near the South-east Corner of Upper Loch Torridon; on the West, Ru na Uag Point, at or near the Mouth of Lower Loch Torridon; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be 140 Yards below the Foot Bridge on the Path from Shieldag to Torridon.	10th Feb. 1863.
BAA and GLENCOILLEADAR -	1st. That the Limits of the District of the Rivers Baa and Glencoilleadar shall be—Ardmore Point at the North-west Entrance of the Sound of Mull on the North; Fidden Point in the Sound of Iona on the South, including Coll Tiree and other Islands lying to the West of the Coast between those Two Points; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, BAA, Ford at Saw Mill and Water Wheel on the Right Bank, being the nearest Mill to the Mouth of the River; GLENCOILLEADAR, Bridge of Road from Craignure to Bunessan.	23d May 1865.
BEAULY - - - -	1st. That the Limits of the District of the River Beauly shall be—A straight Line drawn from the North Pier to the South Pier of Kessock Ferry; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge on the Public Road from Inverness to Beauly, commonly called Beauly Bridge.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
Badachro and Kerry in Gairloch.	1st. That the Limits of the District of the Rivers Badachro and Kerry in Gairloch shall be—on the North, Ru Bane, on the South, Ru Ruag; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, on the River Badachro, the Rapid 80 Yards above the Herring Store on the left Bank of the River; 2d. on the River Kerry, the Site of the Old Foot Bridge at the Mouth of the River.	9th Oct. 1863.
Bladenoch - - -	1st. That the Limits of the District of the River Bladenoch shall be—on the West, Gillespie River; on the East, Bishop's Burn; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be 400 Yards below the Dyke of Bladenoch Distillery.	10th Feb. 1863.
Berriedale - -	1st. That the Limits of the District of the River Berriedale shall be—on the South, the Boundary of the Counties of Sutherland and Caithness; and on the North, a Line drawn South-east from Dunbeath Castle; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Row of Cottages on the Beach on the left Bank of the River to the Fish Smoking House on the Right Bank.	10th Feb. 1863.
Bervie - - -	1st. That the Limits of the District of the River Bervie shall be—on the North the Boundary between the Parishes of Dunnottar and Kineff; on the South the Boundary between the Parishes of Bervie and Benholm; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Cruive Dyke next the Mouth of the River.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
BROOM - - -	1st. That the Limits of the District of the River Broom shall be—on the North, the Boundary between that Portion of the County of Cromarty and of the County of Ross ; and on the South, Cailleach Head ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn between Loch Broom Kirk on the Left Bank and the School House on the Right Bank of the River.	10th Feb. 1863.
BRORA - - -	1st. That the Limits of the District of the River Brora shall be—on the South, Strathsteven Point ; on the North, Crackaig Point ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge on the Road from Golspie to Wick.	9th Oct. 1863.
CARRADALE in Cantyre -	1st. That the Limits of the District of the River Carradale in Cantyre shall be—Skipness Point on North ; Mull of Cantyre on South, including Davar and Sanda Islands ; and that the District shall consist of the Portions of the Sea Coast and the Estuary and the River contained between the said Points. 2nd. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, Remains of Bridge on old Road between Skipness and Campbeltown.	24th Nov. 1865.
CARRON - - -	1st. That the Limits of the District of the River Carron shall be—on the North, the Aird ; on the South, Kyle Akin Ferry ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Bridge over Beachan Water, on the Public Road from Jeantoun to Dingwall to the West End of Achintee Village.	10th Feb. 1863.
CLYDE and LEVEN - -	1st. That the Limits of the District of the Rivers Clyde and Leven shall be—on the North, Stone Point at the North End of Holy Loch ; and on the South, Fairlie Head ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
Clyde and Leven—*cont.*	2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, on the Clyde, the Dam or Dyke of the Glasgow Waterworks, and on the Leven, a Line drawn at Right Angles with the River from the Tail Lade of Dalkuhirn Dyeworks.	
Conon - - -	1st. That the Limits of the District of the River Conon shall be—on the North, Tarbet Ness; on the South, West Sutor Point, excepting that Portion of the North Side of the Cromarty Firth contained within a Line drawn South from the Left Bank of the Mouth of the Aultgraad River to the Centre of the Firth at High Water, and along the Centre of the Firth as far as Invergordon, and continued thence by a straight Line to the Ferry Landing-place at Majick Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge (commonly called Conan Bridge) of the Public Road from Inverness to Dingwall.	10th Feb. 1863.
Cree - - -	1st. That the Limits of the District of the River Cree shall be—on the West, Bishop's Burn; on the East, the Point South of Mossyard called Ringdow Points; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Castle of Machermore, in the Occupation of James Kinna, Esq., on the Left Bank, to Corvish House, in feu to Mrs. M'Kirlie, on the Right Bank.	10th Feb. 1863.
Creed or Stornoway and Laxay.	1st. That the Limits of the District of the Rivers Creed or Stornoway and Laxay shall be—Chumpan or Tiumpan Head on the North, to Boundary between Lewis and Harris on the South; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be; Creed, the Fall opposite Sir James Matheson's Grotto on the Left Bank of the River about 80 Yards	2d May 1865.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
CREED or STORNOWAY and LAXAY—*continued.*	above the Place where the High-water Channel is divided into Two by a Rocky Island; LAXAY, Rock called Fellow Rock, Man Rock or Cruich-a-dhuinne.	
CRERAN - - -	1st. That the Limits of the District of the River Creran shall be—a Line drawn from the Southernmost Point of the Mainland immediately North of Eriska Island, and continued along the outer Face of that Island to the projecting Point of the Mainland nearest to the South-west Point of the said Island; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Ford a little above Clark's Farmhouse of Glasdrum.	2nd Dec. 1864.
CROME and SHIEL (Loch Duich).	1st. That the Limits of the District of the Rivers Crome and Shiel shall be—on the North, Eilean Donan Castle; on the South, Kyle Rhea Ferry; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, on the CROME, 450 Yards, measured down the Course of the Crome from the Bridge over the said River of the public Road from Shiel to Dornie Ferry; and on the SHIEL 200 Yards measured down the Course of the Shiel from the Bridge over the said River of the public Road from Kyle Rhea to Dornie Ferry.	10th Feb. 1863.
DEE (Aberdeenshire) - -	1st. That the Limits of the District of the River Dee (Aberdeenshire) shall be—on the North, the March Stone heretofore placed for the Purpose of dividing the Coast Fishings of the Dee and the Don Rivers; and on the South, the Boundary between the Parishes of Dunnottar and Kineff; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Boundary between Pot and Ford Fishings and the Poldown Fishings, to the Boundary between the Pot and Ford Fishings and the Ruthrieston Fishings.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
Dee (Kirkcudbright) -	1st. That the Limits of the District of the River Dee (Kirkcudbright) shall be—on the West, a straight Line drawn from the Summit of Bar Hill to the most Northernly Point of Barlocco Island, and continued through the Isle on the East Aird Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Fishing House on the Left Bank of the River to the North End of Ashton Villa, the Property of Murray Stewart, Esq., and in feu to James Knoworthy, Esq.	10th Feb. 1863.
Deveron - - - -	1st. That the Limits of the District of the River Deveron shall be—on the West, Cowhyth Point; on the East, Cairnbulg Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Fall immediately below the Island below Kickside.	10th Feb. 1863.
Don - - -	1st. That the Limits of the District of the River Don shall be—on the North, the Northern Boundary of the Fishings of Menie; and on the South, the March Stone heretofore placed for the Purpose of dividing the Coast Fishings of the Dee and Don Rivers; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries be Upper Proprietors, shall be a Line drawn at Right Angles with the River from the Outlet of the Tail Lade of the Mill on the Left Bank, immediately below Seaton House.	1st May 1863.
Doon - - -	1st. That the Limits of the District of the River Doon shall be—on the North, a Line drawn due West from Seafield House; on the South, Turnberry Castle Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Dyke or Mill Dam next the Mouth of the River.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
DUNBEATH - -	1st. That the Limits of the District of the River Dunbeath shall be—on the South, a Line drawn South-east from Dunbeath Castle; and on the North, Ulbster Head; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Point of 120 Yards above Line to be drawn from the Fish Smoking House on the Right Bank to the Cross Fence Dyke opposite to the said Fish Smoking House, and running at Right Angles with the River, on the Left Bank of the said River.	10th Feb. 1863.
ECKAIG - - -	1st. That the Limits of the District of the River Eckaig shall be—on the North, Strone Point at the North end of Holy Loch, and on the South, Strone Point in the Kyles of Bute; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge on the High Road from Dunoon to Kilmun.	10th Feb. 1863.
NORTH ESK - - -	1st. That the Limits of the District of the River North Esk shall be—on the North, the Boundary between the Parishes of Bervie and Benholm; on the South, the March between the Properties of Montrose and Charlton; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn across the Ford above Fluke Hole, from the East End of the Land Embankment on the Right Side of the River, to the Pigeon House under Kirkside Plantation, on the Left Side of the River.	1st May 1863.
SOUTH ESK - - -	1st. That the Limits of the District of the River South Esk shall be—on the North, the March between the Properties of Montrose and of Charlton; on the South, Red Head; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
South Esk—*continued.*	2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge of Dun.	
Ewe - - -	1st. That the Limits of the District of the River Ewe shall be—on the North, Greenstone Point; on the South, Ru Bane, opposite the North End of Longa Island; and that the Districts shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge of the Public Road from Aultbea to Pool Ewe.	10th Feb. 1863.
Findhorn - - -	1st. That the Limits of the District of the River Findhorn shall be—on the West, a Line drawn due North-west (true) from the Summit of Macbeth's Hillock, and on the East, the Ditch known as Cooper's Ditch, being the Boundary between the Properties of Lady Dunbar Brander, and Sir Alexander Gordon Cumming, Bart.; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Chimney of the Steam Engine of Netherton, of Grange Farm, Steading, to the North End of the Cot House, now in the Occupation of the Shepherd, Donald McLellan on Seafield Farm, and continued across the River.	10th Feb. 1863.
Fleet (Sutherlandshire)	1st. That the Limits of the District of the River Fleet (Sutherlandshire), shall be—on the South, Embo Point; on the North, Strathsleven Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Mound.	9th Oct. 1863.
Fleet (Kirkcudbright) -	1st. That the Limits of the District of the River Fleet (Kirkcudbright), shall be—on the West the Point South of Moss Yard, called Ringdow Point; on the East, a straight Line drawn from the Summit of Bar Hill to the most Northernly Point of Barlocco Isle, and continued through the Isle; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
FLEET (Kirkcudbright)—*continued.*	2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge of the High Road from Castle Douglass to Newton Stewart.	
FORSS - - - - -	1st. That the Limits of the District of the River Forss shall be—on the East, Brims Head; on the West, the Boundary between the Counties of Caithness and Sutherland; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the North Side of the Fishing House on the Beach, and on the Right Bank of the River, at Right Angles with the River.	10th Feb. 1863.
FORTH -	1st. That the Limits of the District of the River Forth shall be—on the North, Fife Ness; on the South, the Boundary between the Counties of Haddington and of Berwick; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, on the Forth, the Craigforth Cruive Dyke, and on the Allan, the Scottish Central Railway Bridge.	10th Feb. 1863.
FYNE (Loch) - -	1st. That the Limits of the District of Loch Fyne shall be—on the East, Ardlamont Point; on the West, Skipness Castle Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge of the public Road from Inverary running round the Head of Loch Fyne over the Rivers Aray, Shira, and Fyne.	10th Feb. 1863.
GIRVAN - -	1st. That the Limits of the District of the River Girvan shall be—on the North, Turnberry Castle Point; on the South, Bennane Head; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
Girvan—*continued.*	2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be 100 Yards below the Bridge on the High Road from Ayr to Girvan.	
Glenelg - - - -	1st. That the Limits of the District of the River Glenelg shall be—on the North, Kyle Rhea Ferry; on the South, a Line drawn due East from the North End of Sandag Island; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Stepping-stones across the River from Kirkton on the Left Bank to Galder on the Right Bank.	10th Feb. 1863.
Gour - - - -	1st. That the Limits of the District of the River Gour shall be—on the North, the Landing Place at Corran Ferry; and, on the South, a Point Two Statute Miles to the Southward of the River Gour; the Distance to be measured along the Coast at High-water Mark from the Easternmost Point of the South Bank of the said River's Mouth; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be Sallachan Bridge.	10th Feb. 1863.
Greiss, Laxdale, and Tong or Thunga.	1st. That the Limits of the District of the River Greiss shall be Butt of Lewis on the North; Chumpan or Tiumpan Head on the South; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be Greiss Stone Wall on Left Bank running North and South a little to the Eastward of Greiss Shepherd's House, and extending down to the River. Laxdale—Line due South from Giarraidh Scoir. Tong or Thunga—Ford of Sands Road which passes Manse.	2d May 1865.
Grudie or Dionard -	1st. That the Limits of the District of the River Grudie or Dionard shall be—on the East, Cave of Smoo; on the West, Cape Wrath; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points.	9th Oct. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
GRUDIE or DIONARD—*cont.*	2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Site of the old Cruives above Rocky Island.	
GRUINARD and LITTLE GRUINARD.	1st. That the Limits of the District of the Rivers Gruinard and Little Gruinard shall be—on the East, Static Point ; on the West, Greenstone Point ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Lodge in the Occupancy of Major Duff, at Right Angles with the River.	10th Feb. 1863.
HALLADALE - - -	1st. That the Limits of the District of the River Halladale shall be—on the East, the Boundary between the Counties of Caithness and Sutherland ; on the West, Rhu-na-Claich ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Ferry on the Road from Thurso to Tongue.	9th Oct. 1863.
HELMSDALE - -	1st. That the Limits of the District of the River Helmsdale shall be—on the South, Crackaig Point ; on the North, Boundary between the Counties of Caithness and Sutherland ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, a Line drawn from the West Dyke of the Burying Ground at Helmsdale to the Cross Dyke opposite.	9th Oct. 1863.
HOPE and POLLA, or STRATHBEG.	1st. That the Limits of the District of the Rivers Hope and Polla, or Strathbeg, shall be—on the East, Strone-na-damf ; on the West, Cave of Smoo ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, for the HOPE, the Bottom of "Great Hill Pool," 48 Yards below the old Cruives ; and for the River POLLA, the Bridge of the Road from Tongue to Durness.	9th Oct. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
INCHARD - - -	1st. That the Limits of the District of the River Inchard shall be—on the North, Cape Wrath; on the South, Ardmore Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Cruive below Bridge of public Road from Durness to Scourie.	9th Oct. 1863.
INNER in Jura -	1st. That the Limits of the District of the River Inner in Jura shall be—the whole Coasts of the Islands of Jura and Scarba, with the Rocks and Islets adjoining thereto. 2nd. That the Point below which the Propietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the End of Wall extending to Right Bank of River from Keeper's House.	24th Nov. 1865.
INVER - - -	1st. That the Limits of the District of the River Inver shall be—on the North, Stoerhead; on the South, Kirkaig Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge on the Road from Inver to Lairg.	9th Oct. 1863.
IORSA in Arran - - -	1st. That the Limits of the District of the River Iorsa in Arran shall be—the whole Coast of the Island of Arran, including Pladda and Lamlash, or Holy Island. 2nd. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge below Iorsa Cottage.	24th Nov. 1865.
IRVINE and GARNOCH -	1st. That the Limits of the District of the Rivers Irvine and Garnoch shall be—on the North, Fairlee Head; on the South, the Lighthouse on the Point of Troon Harbour; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be Fullerton Bridge on the Irvine, and the Bridge of the Glasgow and South-western Railway on the Garnoch.	10th Feb. 1862.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
KENNART - - - - -	1st. That the Limits of the District of the River Kennart shall be—on the North, Ru Dunan Point; on the South, a Line drawn from the South-east Point of Isle Martin to Ardmain Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge of the High Road from Inver to Ullapool.	10th Feb. 1863.
KINLOCH (Kyle of Tongue) -	1st. That the Limits of the District of the River Kinloch (Kyle of Tongue) shall be—on the East, Port Lamigoe; on the West, Strone-na-damf; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be Stepping Stones above Kinloch Farm House.	9th Oct. 1863.
KILCHOAN OR INVERIE (Loch Nevis).	1st. That the Limits of the District of the River Kilchoan or Inverie (Loch Nevis) shall be—on the North, Ardna Slishnich Point; on the South, Maleg Rocks; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn at Right Angles with the River, from the End nearest the River of the Dyke next below Kilchoan House.	10th Feb. 1863.
KIRKAIG -	1st. That the Limits of the District of the River Kirkaig shall be—on the North, Kirkaig Point; on the South, the Dunan Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Head of the Pool below the Old Cruives known as the Craigford Pool.	10th Feb. 1863.
KISHORN - - - -	1st. That the Limits of the District of the River Kishorn shall be—on the North, Skeir Vore; and on the South, the Aird; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
KISHORN—*continued.*	2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge of the public Road from Jeantoun to Applecross.	
KYLE OF SUTHERLAND -	1st. That the Limits of the District of the Kyle of Sutherland shall be—on the East, Tarbert Ness; on the West, Embo Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be—on the OYKILL, the End next the Rim of the Cross Dyke at the West End of the Castlehaugh situated at Side of public Road from Lairg to Oykill Bridge; on the CASSILY, the End next the Run of the Cross Dyke on the Left Bank of the Cassley next to its Junction with the Oykill; on the SHIN, the Upper End of the Garden Pool; on the CARRON, a Line drawn from Balnagowan Fishing House on the Right Bank to the Chimney of the Steam Engine of the Farm of Never Carron on the Left Side of the River.	10th Feb. 1863.
LAGGAN and SORN in Islay -	1st. That the Limits of the District of the River Laggan in Islay shall be—the whole Coast of the Islands of Islay, Colonsay, and Oronsay, with the Rocks and Islets immediately adjoining thereto. 2nd. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be—LAGGAN Corner of Wall with Field Gate on the Right Bank at First Bend from River Mouth; SORN, Fence of Islay House Grounds.	24th Nov. 1865.
LAXFORD - - -	1st. That the Limits of the District of the River Laxford shall be—on the North, Ardmore Point; on the South, Stoerhead; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge on the Road from Durness to Scourie.	9th Oct. 1863.
LEVEN - - -	1st. That the Limits of the District of the River Leven shall be—on the North, the Landing-place on the Inverness-shire Shore of Corran Ferry; on the South, the projecting Point North-west of Ardsheal House; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points.	10th

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
LEVEN—*continued.*	2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be 150 Yards below the Boine Burn on the Right Bank of the River, the Distance to be measured down the Course of the River.	
LITTLE BROOM - -	1st. That the Limits of the District of the River Little Broom shall be—on the North, Cailleach Head; on the South, Statie Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn due North-east from the Saw Mill, the Property of Hugh Mackenzie of Dundonnell, Esquire.	9th Oct. 1863.
LOCHY - - -	1st. That the Limits of the District of the River Lochy shall be—on the West, Barony Point; on the East, Port Appin Ferry, including the West Coast of Lismore, excepting those Portions of the Coast and Estuary and Rivers which lie between a Point Two Statute Miles to the Northward of the Mouth of the River Scaddle, the Distance to be measured by a Line drawn along the Shore at High-water Mark from the most Southernly Point on the Left Bank of the Mouth of the said River, and the March Burn forming the Boundary between the Properties of Ardgour and Kingairloch, and excepting the Portions of the Sea Coast and Estuary and River which lie between the Landing-place on the Inverness Shore of Corran Ferry and the projecting Point North-west of Ardsheal House; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be One Quarter of a Mile above the Suspension Bridge on the public Road from Bannavie to Fort William, the Distance to be measured along the Course of the River.	6th Oct. 1863.
LOCH LONG (Luingi and Elchaig).	1st. That the Limits of the District of Loch Long (Luingi and Elchaig) shall be—on the West, Kyle Akin Ferry; on the East, Eilean Donan Castle, together with that Portion of the Island of Skye which lies between Kyle Akin and Kyle Rhea Ferries; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
Loch Long (Luingi and Elchaig)—*continued.*	2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn at Right Angles with the River immediately below the Junction of the Luingi and Elchaig.	
Loch Roag (Lewis), Rivers Blackwater, Grimersta, and Morsgail.	1st. That the Limits of the District of Loch Roag (Lewis), Rivers Blackwater, Grimersta, and Morsgail, shall be—Butt of Lewis on the North-east to Gobnah Airde Moire on the Ordnance Map, called Ru-a-Chruidh on the Admiralty Chart, on the South-west; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, Blackwater, lowest Bridge, namely, that of public Road from Stornoway to Uig; Grimersta, Cruive below lowest Bridge, namely, that of public Road from Stornoway to Uig; Morsgail, lowest Bridge, namely, that of public Road from Stornoway to Uig.	2d May 1865.
Luce - - - -	1st. That the Limits of the District of the River Luce shall be—on the West, the Lighthouse on the Mull of Galloway; and on the East, Gillespie River; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Point of the Bent of Balcarrie, the Property of Sir John Dalrymple Hay, Bart., to the Cottage in the Occupation of John Baillie of the Island, also the Property of the said Sir John Dalrymple Hay.	10th Feb. 1863.
Lossie - - -	1st. That the Limits of the District of the River Lossie shall be—on the West, the Ditch known as Cooper's Ditch, being the Boundary between the Properties of Lady Dunbar Brander and Sir Alexander Gordon Cumming, Bart.; and on the East, a Line, drawn due North (true) from the West End of the Bent Hills on the Right Bank of the said River Lossie; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Ford on the old Road from Lossie-Mouth to Garmouth.	10 Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
Lussa (Mull) and River, Loch Uisk to Loch Buy.	1st. That the Limits of the District of the River Lussa (Mull) and River from Loch Uisk to Loch Buy shall be Duart Castle, at the South-east; Entrance of the Sound of Mull, on the North-east; Fidden in the Sound of Iona, including Earraid Island on the South-west; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, Lussa, Junction of the First Stream from the Left Bank down from the Bridge of the public Road over the Lussa to Loch Buy, which Stream flows through the Bridge on the public Road between Craignure and Loch Scraidain; River from Loch Uisk into Loch Buy, Line of North or North-west Side of Moy Castle.	23rd May 1865.
Moidart - - -	1st. That the Limits of the District of the River Moidart shall be—a Line, drawn in a Northernly Direction from a Point of Land or Rock on the Mainland of the South Shore of Loch Moidart, called Stroulinorg, through the Centre of the Island called Eilean Grucach or Gruachan, thence through that Portion of the Island of Strona called Stronabeg till it reaches the Mainland of the North Shore of Loch Moidart; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be 200 Yards (to be measured by the Course of the River) down Stream from the Bridge over the Moidart on the Road from Moidart to Shiel.	10th Feb. 1863.
Morar - - -	1st. That the Limits of the District of the River Morar shall be—on the North, Maleg Rocks; on the South, Ru-Arasaig; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge on the Road to Arasaig.	10th Feb. 1863.
Nairn - - -	1st. That the Limits of the District of the River Nairn shall be—on the West, a Point on the Coast Two and One Half Statute Miles, to be measured Westward in a straight Line from the outer End of the West Pier of Nairn Harbour, and on the East a Line drawn due North West (true) from the Summit of Macbeth's	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
NAIRN—*continued.*	Hillock; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge of the public Road over the Nairn River from Nairn to Forres.	
NAVER and BORGIE -	1st. That the Limits of the District of the Rivers Naver and Borgie shall be—on the East, Armadale Point; on the West, Port Larnigoe; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be,—for the River NAVER, the Ferry at the Road from Thurso to Tongue; for the River BORGIE, the Foot Bridge between Torrisdale and Borgie Lone.	27th Nov. 1863.
NESS - - - - -	1st. That the Limits of the District of the River Ness shall be—on the West, a straight Line drawn from the North Pier to the South Pier of Kessock Ferry; on the East, a Point on the Coast Two and One Half Statute Miles, to be measured Westward in a straight Line from the Outer End of the West Pier of Nairn Harbour, and on the North-west Sutor Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a straight Line drawn at Right Angles with the River, at the lowest Point of the Island.	10th Feb. 1863.
NELL, FEOCHAN, and EUCHAR (Loch Feochan).	1st. That the Limits of the District of the Rivers Nell, Feochan, and Euchar shall be—on the North, Minard Point; on the South, the Bridge from the Mainland over Siel Sound to Jul Island; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, the Rivers NELL and FEOCHAN, the Bridge of the public Road between Oban and Airdrishaig; and for the River EUCHAR, an Extension of the Line of Cross Stone Dyke on Left Bank of the River below the Free Church and a little above Breadalbane Fishing House.	2d Dec. 1864.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
NITH - - -	1st. That the Limits of the District of the River Nith shall be—on the West, the most projecting Point of Land, South-east of Whitehill, between Portling Bay and Portowarren Bay; on the East a Line drawn due South (true) from the Easternmost End of East Park Farm, Sea Bank; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Dyke or Mill Dam next the Mouth of the River.	10th Feb. 1863.
ORMSARY (Loch Killisport), LOCH HEAD RIVER, and STORNOWAY (Mull).	1st. That the Limits of the District of the Rivers Ormsary (Loch Killisport), Loch Head River, and Stornoway (Mull) shall be—Knap Point on the North, Mull of Cantyre on the South; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, ORMSARY, Fall 60 Yards below Bridge of public Road along Shore; LOCH HEAD RIVER, Upper End of new straight Cut or Channel on Left Bank of River, which New Cut has been closed up at the Ends; STORNOWAY RIVER, Bridge of public Road to Lergnahunseon; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points.	2d May 1865.
PENNYGOWN or GLENFORSA and AROS.	1st. That the Limits of the District of the Rivers Pennygown or Glenforsa and Aros shall be—on the East Duart Castle, and on the West Ardmore Point at the Two Extremities of the Sound of Mull; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, PENNYGOWN, Rocky Waterfall about 100 Yards above general Time of High Water at Beach; AROS, Bridge of Road between Salen and Tobermory.	2d May 1865.
RESORT - - -	1st. That the Limits of the District of the River Resort shall be—Gobnah Airde Moire, on the Ordnance Map called Ru-a-Chruidh on the Admiralty Chart in Lewis, on the North or East through the shortest Distance between the Main Land of Harris to Scarpa Island, and to the most Northernly Point of that Island on the South or West; and that the District	2d May 1865.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
RESORT—*continued.*	shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Mouth of Stream in Harris immediately below Mr. Milbank's Cottage.	
RUEL or DARUEL - -	1st. That the Limits of the District of the River Ruel or Daruel shall be—on the West, Ardlamont Point ; on the East, Strone Point, in the Kyles of Bute ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Head of Island in Gosthen, Ferninach Field, on the Farm of Loch Head, the Property of Mrs. Campbell, Ormidale House.	10th Feb. 1863.
SANDA - - -	1st. That the Limits of the District of the River Sanda shall be—on the North, a Point Two Statute Miles to the Southward of the Mouth of the River Gour, the Distance to be measured along the Coast at High-water Mark from the Easternmost Point of the South Bank of the said River's Mouth; and on the South the March Burn forming the Boundary between the Properties of Ardgour and Kingairloch ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a straight Line drawn from a Rock known as the Sanda Rock to the Smearing House, which is 70 Yards below the Stepping Stone, in the Ford below the Farmhouse of Inversanda.	17th July 1863.
SCADDLE - - -	1st. That the Limits of the District of the River Scaddle shall be—on the North, a Point Two Statute Miles to the Northward of the Mouth of the River Scaddle, the Distance to be measured by a straight Line from the most Southernly Point on the Left Bank of the Mouth of the River, and on the South the Landing-place on the Argyllshire Shore of Corran Ferry ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall	10 Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
	be Upper Proprietors, shall be the Bridge on the Public Road from Inverscaddle to Corran Ferry.	
SHIEL, LOCH SHIEL - -	1st. That the Limits of the District of the River Shiel, Loch Shiel, shall be—on the North Ru Smirsiri, and on the South Stron Beg in the Sound of Mull, excepting that Portion of the Coast and Estuary and River contained within a Line drawn in a Northerly Direction from a Point of Land or Rock on the Mainland on the South Shore of Loch Moidart called Stroulinorg, through the Centre of the Island, called Eilean Grucach, thence through that Portion of the Island of Strona called Stronabeg till it reaches the Mainland of the North Shore of Loch Moidart; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Site of the Cruives.	10th Feb. 1863.
SLIGACHAN, BROADFORD, and PORTREE.	1st. That the Limits of the District of the Rivers Sligachan, Broadford, and Portree shall be—South Coast included between Ru Ard de Cheolan or Aird Point on North to Sleat Point on South; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, SLIGACHAN, Forrester's House at Mound on Left Bank of the River; BROADFORD, Mr. Mackinnon's Shepherd's House; PORTREE, Foot Bridge to Bentmore Farm.	2d May 1865.
SNIZORT, ORLEY, OZE (LOCH BRACADALE) and DRYNOCH (LOCH HARPORT).	1st. That the Limits of the District of the Rivers Snizort, Orley, Oze (Loch Bracadale), and Drynoch (Loch Harport) shall be—West Coast included between Ru Ard de Cheolan or Aird Point on North; Sleat Point on South; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, SNIZORT, at the Rocky Fall at Meal Mill on Right Bank; ORLEY, Bridge of public Road near Caroy Inn on Map; OZE, Upper End of Old Yairs; DRYNOCH, Head of Loch Harport, Bridge of public Road, Dunvegan to Sligachan.	23d May 1865.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
SPEY - - -	1st. That the Limits of the District of the River Spey shall be—on the West, a Line drawn due North (true) from the West End of the Bent Hills on the Right Bank of the River Lossie, and on the East Cowhyth Head; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors shall be a Line drawn from the Gasworks Chimney at Garmouth to Flood Farmhouse in the Occupation of Adam Robertson, and the Property of the Duke of Richmond.	10th Feb. 1863.
STINCHAR - - -	1st. That the Limits of the District of the River Stinchar shall be—on the North Bennane Head; on the South the Lighthouse on the Mull of Galloway; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be 200 Yards below the Bridge of the High Road from Ballantrae to Stranraer.	10th Feb. 1863.
STRATHY - - -	1st. That the Limits of the District of the River Strathy shall be—on the East, Rhu-na-Claich; on the West, Armadale Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge on the Road from Thurso to Tongue.	9th Oct. 1863.
SUNART (Loch) - -	1st. That the Limits of the District of Loch Sunart shall be—on the East, the End of Fuenary Island; on the West, Stron Beg in the Island of Mull; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be on the River STRONTIAN, Bridge of public Road from Strontian to Sheilbridge on River CARNICH, Bridge of Road to Carnich Farm and Loch Head.	13th Oct. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
TAY - - -	1st. That the Limits of the District of the River Tay shall be—on the North, Red Head ; on the South, Fife Ness ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, on the TAY, the Bridge of Perth ; on the EARN, the North British Railway Bridge.	10th Feb. 1863.
THURSO - - -	1st. That the Limits of the District of the River Thurso shall be—on the East, Duncansbay Head, and on the West, Brims Ness ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge of the public Road at Thurso.	10th Feb. 1863.
TORRIDON - - -	1st. That the Limits of the District of the River Torridon shall be—on the North, Ru Ruag ; and on the South, the Mouth of the Burn at Camushole near the South-east Corner of Upper Loch Torridon ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Stepping Stones leading from Torridon Road to Shieldag.	10th Feb. 1863.
TWEED - - -	*See* the End of this Schedule.	
UGIE - - -	1st. That the Limits of the District of the River Ugie shall be—on the North, Cairnbulg Point ; on the South, the Boundary between the Parishes of Peterhead and Cruden ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Rock standing on the Left Bank of the River Ugie in Mains of Inverugie Farm to the North Side of the Farm Steading of Waterside of Balmoor on the Right Bank.	10th Feb. 1863.
ULLAPOOL - -	1st. That the Limits of the District of the River Ullapool shall be—on the North, a Line to be drawn from the South-east Point of Isle Martin to Ardmain Point, and on the South,	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
Ullapool—*continued.*	the Boundary between that Portion of the County of Cromarty and of the County of Ross; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn at Right Angles with the River, from the Lower End of the Island next the Mouth of the River.	
Urr - - -	1st. That the Limits of the District of the River Urr shall be—on the West, Aird Point; on the East, the most projecting Point of Land South-east of Whitehill between Portling Bay and Portowarren Bay; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Rock or large Stone on the Left Bank of the River 140 Yards above the Point of Junction with the Dalbeattie Burn.	10th Feb. 1863.
Wick - - -	1st. That the Limits of the District of the River Wick shall be—on the South, Ulbster Head, and on the North, Duncansbay Head; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn at Right Angles with the River, at the upper End of the old Cruives.	10th Feb. 1863.
Ythan - - -	1st. That the Limits of the District of the River Ythan shall be—on the North, the Boundary between the Parishes of Peterhead and Cruden; on the South, the Northern Boundary of the Fishings of Menie; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the old Ford, known as Ellis Ford, on the old Road (now unused) from Peterhead to Aberdeen.	1st May 1863.

TWEED.

25 & 26 Vict. Cap. 97. and 26 & 27 Vict. Cap. 50.

We, the Commissioners appointed under the 25th and 26th Vict. Cap. 97., and empowered by the 26th and 27th Vict. Cap. 50., to extend the Limits of the Mouth or Entrance of the River Tweed Northwards from the Limits thereof, as defined in the "Tweed Fisheries Amendment Act, 1859," along the Sea Coast and into the Sea to such Points and to such Extent as we may fix, do hereby fix and determine that the Limits of the Mouth or Entrance of the said River Tweed shall extend Northwards from the Limits thereof as defined in the said "Tweed Fisheries Amendment Act, 1859," along the Sea Coast to the Boundary between the Counties of Haddington and of Berwick, and shall also extend into the Sea Five Miles in Front of that Portion of the Coast hereby added to the Limits of the said River Tweed, the Distance to be measured at Right Angles with the Coast.

Given under our Hands this 10th Day of August 1863,

W. J. Ffennell,
Fred. Eden,
James Leslie,
} Commissioners.

Fisheries Department, Home Office,

Approved,
Whitehall, 30th September 1863,
G. Grey.

(This Byelaw to take effect from the 6th Day of October 1863.)

SCHEDULE (B.)

Byelaw.

25th and 26th Vict. Cap. 97.
26th and 27th Vict. Cap. 50.
27th and 28th Vict. Cap. 118.

"Acts to regulate and amend the Law respecting the Salmon Fisheries of Scotland."

District of the River ADD.

We, the Commissioners appointed under the said Acts, and empowered thereby "to fix "and define, for the Purposes of this [the first-recited] Act, and the other Acts relating "to Salmon and Salmon Fisheries in Scotland, the natural Limits which divide each "River in Scotland (including the Estuary thereof) from the Sea, in so far as the same "may not be already fixed by Statute or by judicial Decision," do hereby fix and define the Limits which divide the River Add, including the Estuary thereof, from the Sea, to be, on the North, the most projecting Point 400 Yards West-south-west of Duntroon Castle; on the South, a Point nearly 200 Yards West of the Mouth of the Crinan Canal.

Wm. J. Ffennell,
Fred. Eden,
James Leslie,
} Commissioners.

Fisheries Department, Home Office
26th Day of April 1864.

Approved,
Whitehall, 25th August 1864,
G. Grey.

(This Byelaw to take effect from the 6th Day of September 1864.)

The same Byelaw shall apply to the several Rivers according to the Limits, and take effect from the Dates, under mentioned respectively.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
Aline - - -	A straight Line drawn 15 Degrees North of true West from Bolorkle Point on the East Shore to the Mainland on the West Shore.	11th Mar. 1865.
Alness - - -	A straight Line drawn between the East and West Sutors of Cromarty.	14th Mar. 1865.
Annan - - -	*See* Nith.	—
Applecross - -	A straight Line drawn from Mouth of Burn on the North Shore outward, and distant 1,500 Yards from the Manse, to the outermost Pier on the South Shore, which is distant 900 Yards from the innermost Pier.	11th Mar. 1865.
Arnisdale in Loch Hourn	A straight Line drawn from the West End of Dry Island on the North Side of Arnisdale River, through Skier Laven, to the Ru on the South Side of that River.	11th Mar. 1865.
Awe - - -	The Point North-west of Dunstaffnage Castle on the South, and the South-west Point of Garbhard on the North.	6th Sept. 1864.
Aylort (Kinloch) - -	A straight Line drawn from the outermost Point of Aird Nish on the North Shore, through Goat Island, to the Mainland on the South.	11th Mar. 1865.
Ayr - - -	A Segment of a Circle of 400 Yards Radius, drawn from a Centre placed Halfway between the outer End of the Breakwater and the outer End of the South Pier, with Tangents to the Circle extended to meet High-water Mark of Spring Tides in the Direction of the South End of Newton Lodge on the North, and in the Direction of the Seaward End of the Lane South of the Gasworks on the South.	14th Mar. 1865.
Balgay - - -	*See* Torridon.	—
Baa and Glencoilleadar -	As regards the River Baa,—a straight Line due North and South through the outer End of Eorsa Island. As regards the River Glencoilleadar,—Ard Kilfinichen on the North, a straight Line thence in the Direction of the Free Church to the South Shore.	4th Aug. 1865.
Beauly - - -	A straight Line, drawn due South-east, true Meridian, from the Centre of the Three Burns to the Southern Shore, thus cutting the Black Buoy, as at present placed on the North End of the Whiten Ness Sands.	13th June 1865.
Badachro and Kerry in Gairloch.	A straight Line drawn from the North-westernly Point of Stron-na-Ard on the East Shore, touching the outer End of Eilean Harrisdale, to the Mainland West.	13th June 1865.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
Bladenoch Cree and Fleet	A straight Line drawn from Eggerness Point on the West, through the Centre of Barlocco Island, thence to the nearest Point of the Mainland on the East of that Island.	11th Mar. 1865.
Berriedale - -	A straight Line of about 250 Yards in Length, drawn in a Direction a little to the East of true North from the most projecting Point of Rocks above Low Water, South-east of the old Castle, to the most projecting Point of Rock at Low Water, South-east of the Northern Extremity of the small Bay into which the River discharges, and the shortest Lines connecting those Rocks with the Shore.	22d April 1864.
Bervie - - -	A Portion of a Circle of 150 Yards Radius, to be drawn from a Centre placed Mid-channel in the River where it joins the Sea at Low Water at Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	22d April 1864.
Broom and Ullapool (Loch Broom).	A straight Line drawn from Ru-na-Caddal on the North to the Ru-Camas Voarach on the South.	13th June 1865.
Brora - - -	A Portion of a Circle of 300 Yards Radius, having its Centre in Mid-channel of the River at Low Water of Spring Tides, and extended Shorewards by Tangents at Right Angles to (or to the nearest Point of) High-water Mark.	11th Mar. 1865.
Carradale in Cantyre	From the outermost Point at Low Water of Spring Tides of the most projecting Point of Rocks on the South or Right Side of the River a straight Line drawn Westward to the nearest Point of the Shore, and another straight Line drawn in the Direction of Carradale House, both Lines extending up to High-water mark.	26th Jan. 1866.
Carron - - -	*See* Kishorn.	—
Clyde and Leven and Eckaig.	A straight Line drawn East from Toward Point Light.	7th March 1865.
Conon - -	A straight Line drawn between the East and West Sutors of Cromarty.	7th March 1865.
Cree - - -	*See* Bladenoch.	—
Creed or Stornoway, and Laxay.	As regards the River Creed or Stornoway, a Line drawn due East from the Lighthouse. As regards the River Laxay, a straight Line drawn from Eilean Chalabrigh on the North to the outer End of Eilean Chalam Ghille and a straight Line thence to the South Shore.	4th Aug. 1865.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
Creran (Loch Creran) -	A Line drawn from the Southernmost Point of the Mainland immediately North of Ereska Island, and continued along the outer Face of that Island to the projecting Point of the Mainland nearest to the South-west Point of the said Island.	11th Mar. 1865.
Dee (Aberdeenshire) -	A Portion of a Circle of 400 Yards Radius to be drawn from a Centre placed Midway between the outermost Point of the North Pier and the outermost Point of the Breakwater, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark of Equinoctial Spring Tides.	7th March 1865.
Dee (Kirkcudbright) -	A straight Line drawn from Balinoc Head to the outer Point of Little Ross Island, and thence to the nearest Point on the Mainland.	22d April 1864.
Deveron - - -	A Portion of a Circle of 400 Yards Radius to be drawn from a Centre placed Mid-channel in the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	7th March 1865.
Don - - -	A Portion of a Circle of 400 Yards Radius to be drawn from a Centre placed Mid-Channel in the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	22d April 1864.
Doon - - -	A Segment of a Circle of 400 Yards Radius, drawn from a Centre placed Half Way between the nearest End of the Two Rocks on the opposite Sides of the River Mouth, and on the Line of the Seaward Side of those Rocks, both at Low Water of Equinoctial Spring Tides, with Tangents to the Circle extending to where the other Line on the 6-Inch Ordnance Map, showing the Municipal Boundary, crosses High-water Mark on the North, and extending to High-water Mark in the Direction of Alloway Corn Mill on the South, being at High-water Mark 250 Yards from the South Side of the River.	14th Mar. 1865.
Dunbeath - -	On the North, the most projecting Point of Pitormie Head; on the South, the projecting Rock near the Castle, and between the Castle and the Harbour and Seaward a Semicircle drawn from a Centre placed Half Way between those Points.	11th Mar. 1865.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
Eckaig - - -	*See* Clyde and Leven.	—
Esk (Kirkcudbright) - -	*See* Nith.	—
Esk, North (Forfar) -	A Portion of a Circle of 400 Yards Radius to be drawn from a Centre placed Mid-channel in the River where it joins the Sea at Low-water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	14th Mar. 1865.
Esk, South - - -	A straight Line drawn from the Tower of Scurdy Ness to the outermost Point of Scurdy Stone ; thence a straight Line extending due North 500 Yards ; and on the North a straight Line to be drawn from the last-named Point to a Point at High-water Mark, Spring Tides, 800 Yards distant from the Low Light House, the Distance to be measured in a straight Line.	22d April 1864.
Ewe - - - -	A straight Line drawn from Ru-na-Gavann on the West Shore to Ru Con on the East Shore.	11th Mar. 1865.
Euchar - - -	*See* Nell and Feochan.	—
Findhorn - - -	A Line drawn due North from the outermost of the Two Shipping Piers of the Town of Findhorn as extends from High-water Mark outwards to 200 Yards below Low Water of Equinoctial Spring Tides ; on the West, a Line parallel with and One and a Half Miles distant from the foregoing described Line, and also extending outwards from High-water Mark to 200 Yards below Low Water of Equinoctial Spring Tides ; and on the North a Line of 200 Yards out from Low Water of Equinoctial Spring Tides, and connecting the outer Ends of the Two Lines herein-before described.	7th March 1865.
Fleet (Sutherlandshire) -	A Portion of a Circle of 1,200 Yards Radius, having its Centre in Mid-channel of the River at the Lower Light, and continued to meet High-water Mark.	11th Mar. 1865.
Fleet (Kirkcudbright) -	*See* Bladenoch.	—
Forss - - -	A straight Line drawn from the most North-westerly Point of the Shore on the West Side of the River to the projecting Point midway between Brinsness and Cross Kirk on the East Side of the River.	22d April 1864.
Forth - - -	A straight Line drawn from the Hound Point on the South Shore to St. David's Point on the North.	14th Mar. 1865.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
Fyne, Shira, and Aray (Loch Fyne).	Craigan's Ferry - - - -	11th Mar. 1865.
Girvan - - -	A Portion of a Circle of 300 Yards Radius, drawn from a Centre placed Mid-channel of the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued to the Shore at High-water Mark on the respective Sides of the River by Tangents to the Circle drawn at Right Angles with the Shore.	22d April 1864.
Glenelg - -	A straight Line drawn from the East Side of the Rocks forming the Western Extremity of Bernera Bay on the North to the projecting Point of Land at High-water Mark immediately North of Eilean Reach or Glenbeg River, and Eilean Reach House on the South.	11th Mar. 1865.
Gour - - -	*See* Lochy.	—
Greiss, Laxdale, and Tong or Thunga.	As regards the Rivers Laxdale and Tong or Thunga, from the Rocks at Rudhu-na-Monach at Low-water Line on the North to Gobnan Clach at High-water Line on the South. As regards the River Griess, from the outer Point of Sgeir Leathain Island a straight Line drawn North to Ston Ruadh and South-west to Creag-Mhor-Bhataisgeir.	4th Aug. 1865.
Grudie or Dionard - -	A straight Line from Far Out Point on the East to Stoir Point on West (Admiralty Chart).	11th Mar. 1865.
Gruinard and Little Gruinard.	A straight Line drawn from the most projecting Point between Gruinard House and Douran Rocks on the North to the projecting Point West of Mill Bay on the South.	11th Mar. 1865.
Halladale - -	A straight Line drawn due West across Melvert Bay from the most projecting Point of Salmon Rocks on East.	11th Mar. 1865.
Helmsdale - - -	A Portion of a Circle of 300 Yards Radius, having its Centre in Mid-channel of the River at Low Water of Spring Tides, and extended shorewards on the North Side by a Tangent drawn at Right Angles to (or the nearest Point of) High-water Mark, and on the South by a Tangent drawn to meet High-water Mark at the Distance of 300 Yards West of the Point of Land occupied by a Curing Yard on the West or Left Bank of the River at High Water.	11th Mar. 1865.
Hope and Polla or Strathbeg.	A straight Line from Grave Point on West, through outer End of Skeir Bhuie Island and continued East Shore (Admiralty Chart).	11th Mar. 1865.
Inchard - -	A straight Line drawn from Kean Point on North to the outer Point of Land between Loch Inchard and Loch Kinsale on South.	11th Mar. 1865.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
Inner in Jura - -	A Part of a Circle of 300 Yards Radius, having its Centre in the Middle of the principal Channel of the River at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	26th Jan. 1866.
Inver - - -	A straight Line drawn from Kirkaig Point on South to Ru Roe on North (Admiralty Chart).	11th Mar. 1865.
Iorsa in Arran -	A Portion of a Circle of 400 Yards Radius drawn from the Centre of the River at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	26th Jan. 1866.
Irvine and Garnoch -	A Portion of a Circle of 400 Yards Radius to be drawn from a Centre placed Mid-channel abreast of the Beacon, and continued to the Shore at High-water Mark on the respective Sides of the River by Tangents to the Circle drawn at Right Angles with the Shore.	11th Mar. 1865.
Kennart - - -	A straight Line drawn from Ru Beg on the South to the Westernmost Point of Mealan Bhuie on the North.	11th Mar. 1865.
Kinloch (Kyle of Tongue) -	A straight Line from outer Point of Pier, Scullornie Harbour, on East, to most projecting Point of Ard Skuinee on West (Burnett and Scott's County Map).	11th Mar. 1865.
Kilchoan or Inverie -	A straight Line drawn from Scottis House on the North Side of the River to Creag Eilean on the South Side of the River, and a Line from thence to the nearest Point of the Mainland.	11th Mar. 1865.
Kirkaig - - -	A straight Line drawn from Weather Lump on the North Shore, through Big Rock, to the South Shore.	11th Mar. 1865.
Kishorn and Carron -	A straight Line drawn from the most Northernly Point of Ru-More to the Outside of Garra Island, and a Line thence along the Outside of Kishorn Island to the nearest Point to that last-mentioned Island of the Mainland to the North.	11th Mar. 1865.
Kyle of Sutherland (Shin, Carron, Orkill, and Cassily).	On the North, a straight Line drawn from Dornoch Church in the Direction of Tarbet Ness Lighthouse; and on the East, a straight Line drawn due South, true Meridian, from the Village of Inver, to meet the before-mentioned Line, the Point of Meeting of the Two Lines being Three and a Quarter Statute Miles from High-water Mark at Dornoch, and a like Distance from High-water Mark at Inver.	13th June 1865.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
Laggan and Sorn in Islay -	Laggan.—Part of a Circle of 400 Yards Radius, having its Centre in the Middle of the River at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water mark, also of Equinoctial Spring Tides. Sorn.—A straight Line from the Point of the Black Rocks on the West, to Penneycraig on the East, both Ends of the Line extending up to High-water Mark.	26th Jan. 1866.
Laxford - - -	From Dougal Head on the North-east, through Centre of Island Skein, to Mainland on South-west (Admiralty Chart).	11th Mar. 1865.
Leven - - -	*See* Lochy.	11th Mar. 1865.
Little Loch Broom -	A straight Line drawn from Camus-na-Goal Point on the South to the nearest Point of Land on the Northern Shore.	13th June 1865.
Lolchy, Leven, Scaddle, Gour, and Sanda.	A straight Line drawn due North-west, true Meridian, from the Westernmost Point of Land forming the Western Shore of Cail Bay, and lying North-east of Balnagowan Island, to the Mainland on the North Shore of the Linnhe Loch.	11th Mar. 1865.
Loch Duich - -	*See* Loch Luing.	—
Loch Luing and Loch Duich.	A straight Line drawn due South, true Meridian, from Scart Point on the North Shore to the Mainland on the South.	13th June 1865.
Loch Roag (Lewis) -	A straight Line drawn from Aird-Lamiesheadar on the East to Sgeir-na-h,aon Chaorach on the West; also from Camus Ennaidh on the East to Eala Sheadha on the West.	4th Aug. 1865.
Luce - - -	A straight Line drawn from a Point on the Shore at High-water Mark on the East Side of the River 650 Yards South of Stair Haven Pier to a Point on the Shore at High-water Mark on the West Side of the River 1,300 Yards South-west from Ringdon Point.	6th Jan. 1865.
Lossie - - -	A straight Line to be drawn from the North Pier Head to a Point at Low Water of Equinoctial Spring Tides 200 Yards, measured in a straight Line, East of the South Pier of the Old Harbour, and thence continued by a straight Line to the nearest Point of the Shore at High-water Wark of Equinoctial Spring Tides.	11th Mar. 1865.
Lussa (Mull), and River from Loch Uisk to Loch Buy.	As regards the River Lussa, a straight Line between the most projecting Points of the Heads of the Mouth of Loch Spelve. As regards Loch Uisk River, a Line North-west and South-east through the outer Side of Mor Island.	4th Aug. 1865.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
Moidart and Shiel	A straight Line drawn from Farquhar Point on the South Shore to the South-west Point of Eilean Shona, and a straight Line drawn from North-west Point of Eilean Shona to the nearest Point of the Mainland on the North.	11th Mar. 1865.
Morar	A straight Line drawn from Bonan Caraidich on the North Side of the River to the outermost Point of Fraoch Eilean on the South Admiralty Chart.	11th Mar. 1865.
Nairn	A Portion of a Circle of 400 Yards Radius to be drawn from a Centre placed Mid-channel in the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	7th March 1865.
Naver and Borgie	A straight Line drawn from Aird-in-iaskich on East to Claishaidie on West. (Burnett and Scott's County Map.)	11th Mar. 1865.
Ness	A straight Line drawn due South-east, true Meridian, from the Centre of the Three Burns to the Southern Shore, thus cutting the Black Buoy as at present placed on the North End of the Whiten Ness Sands.	7th March 1865.
Nell, Feochan, and Euchar (Loch Feochan).	From Minard Point on the North to Eastern Extremity of Barnacaryu Bay on the South.	11th Mar. 1865.
Nith, Annan, and Esk	A straight Line drawn from the Hotel of Skemberness in the Parish of Abbey Holme in the County of Cumberland to the Large House at Carset House of Arbigland in the Stewartry of Kirkcudbright.	7th March 1865.
Ormsary and Loch Head (Loch Killisport) and Stornoway.	From Knap Point on the North, a straight Line thence in the Direction of Kilmaluag on the South. Stornoway, the Two extreme projecting Points of Stornoway Bay, namely, about Half Way between Lergnahunseon and Point Gallon on the North, and between Lergnahunseon and Ardpatrick Point on the South.	4th Aug. 1865.
Pennygown or Glenforsa and Aros (Mull).	A straight Line from Alasaid Head on the West on the Direction of the Burying Ground to the projecting Point North-east of the Mouth of Pennygown River on the East.	4th Aug. 1865.
Ruel	From Runin-a-Crotch Point on the East, Line thence due West.	11th Mar. 1865.
Resort	On the North Ru Carnach (Admiralty Chart), thence to the Seaward Side of Greine Sgeir Island, and on the North-west Point of the Promontory on which the Hill or Mountain Meilein is situated.	4th Aug. 1865.
Sanda	*See* Lochy.	—
Scaddle	*See* Lochy.	—
Shiel (Loch Shiel)	*See* Moidart.	—

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
Sligachan, Broadford, and Portree.	As regards the River Sligachan, a straight Line from Bal-na-Roinn Point at Low Water on North to Ru-an-Fhaing on the South. As regards the River Broadford, a straight Line from Mr. Mackinnon's Pier on the North to the Cottage on the Beach a little to the Eastward of the Lime Kiln and Pier on the South. As regards the River Portree, Skin Voire on the North to the Point on the South lying due South-east.	4th Aug. 1865.
Snizort - - -	As regards the River Snizort, a straight Line from Lyndale Point on the West to Aird-nan-Eirach on the East. As regards the Rivers Orley and Oze, Loch Bracadale, a straight Line from the most projecting Point between Callbost and Eabost on the East to the most projecting Point between Loch Caroy and Loch Roag on the West. As regards the River Drynoch, Loch Harport, a straight Line from the projecting Point between Struanmore and Struanbeg on the North to the projecting Point North of Dunard Kirk on the South.	4th Aug. 1865.
Solway - - -	*See* end of Schedule.	
Spey - - -	A Portion of a Circle of 400 Yards Radius to be drawn from a Centre placed Mid-Channel in the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	7th March 1865.
Stinchar - - -	A Portion of a Circle of 350 Yards Radius drawn from a Centre placed Mid-Channel of the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued by Tangents to the Circle drawn at Right Angles with the Shore.	22d April 1864.
Stornoway - - -	*See* Creed.	—
Strathy - - -	A straight Line drawn across Strathy Bay from Point South of Geo Ghoulan on the West to North-west Point, Balligill Head on East.	11th Mar. 1865.
Thurso - - -	A Portion of a Circle of 400 Yards Radius drawn from a Centre placed Mid-Channel at the Line of Low Water of Equinoctial Spring Tides, and continued to the Shore at High Water by Tangents, that on the East being to a Point 500 Yards North-east of Thurso Castle, and that on the West being in the Direction of the Toll House.	11th Mar. 1865.
Tong or Thung - -	*See* Greiss.	—

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
Torridon, Balgay, and Shieldag.	A straight Line drawn across the Narrows between Loch Shieldag and Outer Loch Torridon, where Diobaig Point and Ru Ardtishlic most nearly approach each other.	11th Mar. 1865.
Ugie - - -	A Portion of a Circle of 200 Yards Radius to be drawn from a Centre placed Mid-Channel in the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	7th March 1865.
Ullapool - - -	*See* Broom.	—
Urr - - -	A straight Line drawn from Balcarry Point on the West, through the Outside of Hestan Island, to the Eastern Extremity of Gutcher's Island at Low Water, and thence Inshore to High-water Mark at the projecting Point distant One Mile from Castle Hill Point.	13th June 1865.
Wick - - -	The Line of the Breakwater now in course of Construction, and a straight Line drawn due North from the outer End of the said Breakwater to the North Shore.	11th Mar. 1865.
Ythan - - -	A Portion of a Circle of 300 Yards Radius to be drawn from a Centre placed Mid-Channel in the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	22d April 1864.

25th and 26th Vict. Cap. 97.

We, the Commissioners appointed under the said Act, and empowered thereby "to "fix, for the Purposes of this Act, the Limits of the Solway Firth, having regard to an "Act passed in the Forty-fourth Year of the Reign of His Majesty King George the "Third, Chap. Forty-five," do hereby fix the Limit dividing the Solway Firth from the Sea to be a straight Line drawn from the Mull of Galloway in the County of Wigton to Hodbarrow Point in the Parish of Millam in the County of Cumberland.

Given under our Hands this 22nd Day of January 1864.

Wm. J. Ffennell,
James Leslie. } Commissioners.

Fisheries Department, Home Office.

Approved,
Whitehall, 9th April 1864.
G. Grey.

SCHEDULE (C.)

Byelaw.

25th and 26th Vict. Cap. 97.
26th and 27th Vict. Cap. 50, and
27th and 28th Vict. Cap. 118.

"Acts to regulate and amend the Law respecting the Salmon Fisheries of Scotland."

District of the River Add.

We, the Commissioners appointed under the said Acts, and empowered thereby "To 'determine, subject to the Provisions of this [the first-recited] Act, at what Dates the "Annual Close Time for every District shall commence and terminate, and at what "Periods subsequent to the Commencement and prior to the Termination of the Annual "Close Time it shall be lawful to fish for and take Salmon with the Rod and Line," do hereby determine that the Annual Close Time for the District of the River Add shall commence on the 1st Day of September and terminate on the 15th Day of February, both Days inclusive, and that it shall be lawful to fish for and to take Salmon with the Rod and Line from the 1st Day of September to the 31st Day of October, both Days inclusive.

Wm. J. Ffennell,
Fred. Eden,
James Leslie,
} Commissioners.

Fisheries Department, Home Office.
11th Day of January 1864.

Approved,
Whitehall, 19th Day of April 1864,
G. Grey.

(This Byelaw to take effect from the 20th Day of May 1864.)

The same Byelaw shall apply to the several Rivers, according to the Times, and take effect from the Dates under mentioned, respectively.

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
Aline - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Alness - -	From 27th August to 10th February.	From 27th August to 31st October.	14th March 1865.
Annan - -	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
Applecross -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Arnisdale-in-Loch-Hourn.	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Awe - - -	From 27th August to 10th February.	From 27th August to 31st October.	11th Oct. 1864.

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
Aylort (Kinloch) -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Ayr - - - -	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
Baa and Glencoil-leadar.	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
Badachro and Kerry in Gairloch.	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
Balgay and Shieldag	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Beauly - -	From 27th August to 10th February.	From 27th August to 15th October.	7th March 1865.
Berriedale -	From 27th August to 10th February.	From 27th August to 31st October.	29th Jan. 1864.
Bervie - -	From 10th September to 24th February.	From 10th September to 31st October.	29th Jan. 1864.
Bladenoch - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Broom - -	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
Brora - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Carradale in Cantyre.	From 10th September to 24th February.	From 10th September to 31st October.	26th Jan. 1866.
Carron - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Clyde and Leven -	From 27th August to 10th February.	From 27th August to 31st October.	7th March 1865.
Conon - -	From 27th August to 10th February.	From 27th August to 31st October.	7th March 1865.
Cree - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Creed or Stornoway, and Laxay (Lewis).	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
Creran (Loch Creran).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Crome and Shiel (Loch Duich).	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
Dee (Aberdeenshire)	From 27th August to 10th February.	From 27th August to 31st October.	7th March 1865.
Dee (Kirkcudbright)	From 27th August to 10th February.	From 27th August to 31st October.	19th April 1864.
Deveron - -	From 27th August to 10th February.	From 27th August to 31st October.	7th March 1865.

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
Don	From 27th August to 10th February.	From 27th August to 31st October.	29th Jan. 1864.
Doon	From 27th August to 10th February.	From 27th August to 31st October.	14th March 1865.
Dunbeath	From 27th August to 10th February.	From 27th August to 15th October.	11th March 1865.
Eckaig	From 1st September to 15th February.	From 1st September to 31st October.	20th May 1864.
Esk, North	From 1st September to 15th February.	From 1st September to 31st October.	14th March 1865.
Esk, South	From 1st September to 15th February.	From 1st September to 31st October.	1st March 1864.
Ewe	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Findhorn	From 27th August to 10th February.	From 27th August to 10th October.	7th March 1865.
Fleet (Sutherlandshire).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Fleet (Kirkcudbright).	From 10th September to 24th February.	From 10th September to 31st October.	20th May 1864.
Forss	From 27th August to 10th February.	From 27th August to 31st October.	29th Jan. 1864.
Forth	From 27th August to 10th February.	From 27th August to 15th October.	14th March 1865.
Fyne, Shira, and Aray (Loch Fyne)	From 1st September to 15th February.	From 1st September to 31st October.	11th March 1865.
Girvan	From 10th September to 24th February.	From 10th September to 31st October.	29th Jan. 1864.
Glenelg	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Gour	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Greiss, Laxdale, or Thunga.	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
Grudie or Dionard	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Gruinard and Little Gruinard.	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Halladale	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Helmsdale	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
Hope and Polla, or Strathbeg.	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865
Inchard - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Inner in Jura -	From 10th September to 24th February.	From 10th September to 31st October.	26th Jan. 1866.
Inver - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Iorsa in Arran -	From 10th September to 24th February.	From 10th September to 31st October.	26th Jan. 1866.
Irvine and Garnoch	From 10th September to 24th February.	From 10th September to 31st October.	11th March 1865.
Kennart - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Kilchoan or Inverie (Loch Nevis).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Kinloch (Kyle of Tongue).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Kirkaig - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Kishorn - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Kyle of Sutherland	From 27th August to 10th February.	From 27th August to 15th October.	7th March 1865.
Laggan and Sorn in Islay.	From 10th September to 24th February.	From 10th September to 31st October.	26th Jan. 1866.
Laxford - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Leven - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Little Loch Broom	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Lochy - -	From 27th August to 10th February.	From 27th August to 31st October.	15th Nov. 1864.
Loch Duich -	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
Loch Luing - -	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
Loch Roag - -	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
Lossie - -	From 27th August to 10th February.	From 27th August to 15th October.	11th March 1865.
Luce - -	From 10th September to 24th February.	From 10th September to 31st October.	7th March 1865.
Lussa (Mull).	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
Moidart - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.

	Names of Rivers.	Annual Close Time.	Extension of Time for Rod Fishing.	Date from which Byelaw to take effect.
5	Morar - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865
	Nairn - -	From 27th August to 10th February.	From 27th August to 15th October.	7th March 1865.
	Naver and Borgie -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
10	Nell, Feochan, and Euchar (Loch Feochan).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
	Ness - - -	From 27th August to 10th February.	From 27th August to 15th October.	7th March 1865.
15	Nith - -	From 27th August to 10th February.	From 27th August to 31st October.	7th March 1865.
20	Ormsary (Loch Killisport), Loch Head, and Stornoway (Mull).	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
	Pennygown or Glenforsa, and Aros.	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
	Resort - -	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
25	Ruel - - -	From 1st September to 15th February.	From 1st September to 31st October.	11th March 1865.
	Sanda - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
30	Scaddle - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
	Shiel (Loch Shiel)	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
	Sligachan, Broadford, and Portree.	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
35	Snizort, Orley, Oze, and Drynoch.	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
	Spey - -	From 27th August to 10th February.	From 27th August to 15th October.	7th March 1865.
40	Stinchar - -	From 10th September to 24th February.	From 10th September to 31st October.	29th January 1864.
	Stornoway - -	*See* Creed.	——	—
	Strathy - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
45	Tay - -	From 21st August to 4th February.	From 21st August to 10th October.	28th July 1865.
	Thurso - -	From 27th August to 10th February.	From 27th August to 15th October.	11th March 1865.
	Torridon, Balgay, and Shieldag.	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.

Names of Rivers.	Annual Close Time.	Extension of Time for Rod Fishing.	Date from which Byelaw to take effect.
Ugie - -	From 10th September to 24th February.	From 10th September to 31st October.	7th March 1865.
Ullapool (Loch Broom).	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
Urr - - -	From 10th September to 24th February.	From 10th September to 31st October.	29th January 1864.
Wick - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Ythan - -	From 10th September to 24th February.	From 10th September to 31st October.	29th January 1864.

SCHEDULE (D.)

Byelaw.

25th and 26th Vict. Cap. 97.
26th and 27th Vict. Cap. 50., and
27th and 28th Vict. Cap. 118.

"Acts to regulate and amend the Law respecting the Salmon Fisheries of Scotland."

District of the River ADD.

We, the Commissioners appointed under the said Acts, and empowered thereby "To "make General Regulations with respect to the due Observance of the Weekly Close "Time," do hereby make the following Regulations with respect to the due Observance of the Weekly Close Time in the said District, namely,—

1. That in each and every Stake Weir or Stake Net a clear Opening of at least Four Feet in Width from Top to Bottom shall be made and kept free from Obstruction in each and every Pouch, Trap, or Chamber of same.
2. That the Pouches, Traps, or Chambers of each and every Fly Net shall be either raised and tied up to the upper Ropes of same, or lowered and tied to the lower Ropes, so as effectually to prevent the Capture or Obstruction of Salmon.
3. That the Netting of the Leader of each and every Bag Net shall be entirely removed, and taken out of the Water.

Wm. J. Ffennell,
Fred. Eden,
James Leslie,
} Commissioners.

Fisheries Department, Home Office,
11th Day of January 1864.

Approved,
Whitehall, 19th April 1864.
G. Grey.

(This Byelaw to take effect from 20th Day of May 1864.)

The same Byelaw shall apply to the Rivers and take effect from the Dates under mentioned respectively.

	Names of Rivers.	Date from which Byelaw to take effect.
	Aline - - - -	11th March 1865.
5	Alness - - -	14th March 1865.
	Annan - - -	13th June 1865.
	Applecross - -	11th March 1865.
	Arnisdale (*in Loch Hourn*)	11th March 1865.
	Awe - - - -	20th May 1864.
10	Aylort (*Kinloch*) -	11th March 1865.
	Ayr - - - -	13th June 1865.
	Baa and Glencoilleadar	4th August 1865.
	Badachro and Kerry in Gairloch.	13th June 1865.
15	Balgay and Shieldag -	11th March 1865.
	Beauly - - -	7th March 1865.
	Berriedale - -	29th April 1864.
	Bervie - - -	29th April 1864.
	Bladenoch - -	11th March 1865.
20	Broom - - -	13th June 1865.
	Brora - - - -	11th March 1865.
	Carradale in Cantyre -	26th Jan. 1866.
	Carron - - - -	11th March 1865.
	Clyde and Leven -	7th March 1865.
25	Conon - - -	7th March 1865.
	Cree - - - -	11th March 1865.
	Creed or Stornoway and Laxay.	4th August 1865.
	Creran - - - -	11th March 1865.
30	Crome and Shiel (Loch Duich).	13th June 1865.
	Dee (Aberdeenshire) -	7th March 1865.
	Dee (Kirkcudbright) -	29th April 1864.
	Deveron - - -	7th March 1865.
35	Don - - - -	29th April 1864.

Names of Rivers.	Date from which Byelaw to take effect.
Doon - - - -	14th March 1865.
Drynoch in Loch Harport	4th August 1865.
Dunbeath - - -	11th March 1865.
Eckaig - - - -	20th May 1864.
Esk, North - -	14th March 1865.
Esk, South - -	29th April 1864.
Ewe - - - -	11th March 1865.
Findhorn - - -	7th March 1865.
Fleet (Sutherlandshire) -	11th March 1865.
Fleet (Kirkcudbright) -	29th April 1864.
Forss - - - -	29th April 1864.
Forth - - - -	14th March 1865.
Fyne, Shira and Aray, Loch Fyne.	11th March 1865.
Girvan - - - -	29th April 1864.
Glenelg - - - -	11th March 1865.
Gour - - - -	11th March 1865.
Greiss (Laxdale and Tong or Thunga).	4th August 1865.
Gruidie or Dionard -	11th March 1865.
Gruinard and Little Gruinard.	11th March 1865.
Halladale - - -	11th March 1865.
Helmsdale - - -	11th March 1865.
Hope and Polla, or Strathbeg.	11th March 1865.
Inchard - - - -	11th March 1865.
Inner in Jura - -	26th Jan. 1866.
Inver - - - -	11th March 1865.
Iorsa in Arran - -	26th Jan. 1866.
Irvine and Garnoch -	11th March 1865.
Kennart - - - -	11th March 1865.
Kilchoan or Inverie (Loch Nevis).	11th March 1865.

Names of Rivers.	Date from which Byelaw to take effect.
Kinloch (Kyle of Tongue)	11th March 1865.
Kirkaig - - -	11th March 1865.
Kishorn - - -	11th March 1865.
Kyle or Sutherland -	7th March 1865.
Laggan and Sorn in Islay	26th Jan. 1866.
Laxford - - -	11th March 1865.
Leven - - -	11th March 1865.
Little Loch Broom -	13th June 1865.
Lochy - - -	4th August 1865.
Loch Duich - -	13th June 1865.
Loch Luing - -	13th June 1865.
Loch Roag (Lewis), Rivers Blackwater, Grimersta, and Morsgail.	4th August 1865.
Lossie - - -	11th March 1865.
Luce - - -	7th March 1865.
Lussa (Mull) and River, Loch Uisk to Loch Buy.	4th August 1865.
Moidart - - -	11th March 1865.
Morar - - -	11th March 1865.
Nairn - - -	7th March 1865.
Naver and Borgie -	11th March 1865.
Nell, Feochan, and Euchar (Loch Feochan).	11th March 1865.
Ness - - -	7th March 1865.
Nith - - -	7th March 1865.
Ormsary (Loch Killisport) Loch Head River and Stornoway (Mull).	4th August 1865.
Pennygown or Glenforsa, and Aros.	4th August 1865.
Resort - - -	4th August 1865.
Ruel - - -	11th March 1865.
Sanda - - -	11th March 1865.
Scaddle - - -	11th March 1865.
Shiel, Loch Shiel - -	11th March 1865.
Sligachan, Broadford, and Portree.	4th August 1865.
Snizort, Orley, Oze (and Loch Bracadale) and Drynoch (Loch Harport).	4th August 1865.
Spey - - - -	7th March 1865.
Stinchar - - -	29th April 1864.
Strathy - - -	11th March 1865.
Tay - - -	29th April 1864.
Thurso - - -	11th March 1865.
Torridon, Balgay, and Shieldag.	11th March 1865.
Ugie - - -	7th March 1865.
Ullapool - -	13th June 1865.
Urr - - -	29th April 1864.
Wick - - -	11th March 1865.
Ythan - - -	29th April 1864.

SCHE-

SCHEDULE (E.)

BYELAW.

25th and 26th Vict. Cap. 97.
26th and 27th Vict. Cap. 50.
27th and 28th Vict. Cap. 118.

"Acts to regulate and amend the Law respecting the Salmon Fisheries of Scotland."

District of the River ADD.

We, the Commissioners appointed under the said Acts, and empowered thereby "to "make General Regulations with respect to the Meshes of Nets," to be used for the Capture of Salmon, do hereby make the following Regulations with respect to the Meshes of Nets, for the District of the River ADD.

That no Net shall be used for the Capture of Salmon the Meshes whereof shall be under One Inch and Three Quarters in Extension, from Knot to Knot, measured on each Side of the Square, or Seven Inches measured round each Mesh when wet; and the placing Two or more Nets behind or near to each other in such Manner as to practically diminish the Mesh of the Nets used, or the covering the Nets used with Canvas, or the using any other Artifice so as to evade the Provisions of the Regulations with respect to the Meshes of Nets, shall be deemed to be an Act in contravention of this Byelaw.

WM. J. FFENNELL,
FRED. EDEN,
JAMES LESLIE. } Commissioners.

Fisheries Department, Home Office,
11th Day of January 1864.

Approved,
G. GREY.
Whitehall, 19th April 1864.

(This Byelaw to take effect from the 20th Day of May 1864.)

The same Byelaw shall apply to the Rivers and take effect from the Dates under mentioned respectively.

Names of Rivers.	Date from which Byelaw to take effect.	Names of Rivers.	Date from which Byelaw to take effect.
ALINE - -	11th March 1865.	AYR - - -	13th June 1865.
ALNESS - - -	14th March 1865.	BAA and GLENCOILLEADAR	4th August 1865.
ANNAN - - -	13th June 1865.	BADACHRO and KERRY in Gairloch.	13th June 1865.
APPLECROSS - -	11th March 1865.	BALGAY and SHIELDAG -	11th March 1865.
ARNISDALE (*in Loch Hourn*)	11th March 1865.	BEAULY - -	7th March 1865.
AWE - - -	20th May 1864.	BERRIEDALE - -	10th May 1864.
AYLORT (*Kinloch*) -	11th March 1865.		

Names of Rivers.	Date from which Byelaw to take effect.
Bervie	10th May 1864.
Bladenoch	11th March 1865.
Broom	13th June 1865.
Brora	11th March 1865.
Carradale in Cantyre	26th Jan. 1866.
Carron	11th March 1865.
Clyde and Leven	7th March 1865.
Conon	7th March 1865.
Cree	11th March 1865.
Creed or Stornoway and Laxay.	4th August 1865.
Creran	11th March 1865.
Crome and Shiel (Loch Duich).	13th June 1865.
Dee (Aberdeenshire)	7th March 1865.
Dee (Kirkcudbright)	10th May 1864.
Deveron	7th March 1865.
Don	10th May 1864.
Doon	14th March 1865.
Drynoch in Loch Harport	4th August 1865.
Dunbeath	11th March 1865.
Eckaig	20th May 1864.
Esk, North	14th March 1865.
Esk, South	10th May 1864.
Ewe	11th March 1865.
Findhorn	7th March 1865.
Fleet (Sutherlandshire)	11th March 1865.
Fleet (Kirkcudbright)	10th May 1864.
Forss	10th May 1864.
Forth	14th March 1865.
Fyne, Shira, and Aray, Loch Fyne.	11th March 1865.
Girvan	10th May 1864.
Glenelg	11th March 1865.
Gour	11th March 1865.
Greiss (Laxdale, and Tong or Thunga).	4th August 1865.
Gruidie or Dionard	11th March 1865.
Gruinard and Little Gruinard.	11th March 1865.
Halladale	11th March 1865.
Helmsdale	11th March 1865.
Hope and Polla, or Strathbeg.	11th March 1865.
Inchard	11th March 1865.
Inner in Jura	26th Jan. 1866.
Inver	11th March 1865.
Iorsa in Arran	26th Jan. 1866.
Irvine and Garnoch	11th March 1865.
Kennart	11th March 1865.
Kilchoan or Inverie (Loch Nevis).	11th March 1865.
Kinloch (Kyle of Tongue)	11th March 1865.
Kirkaig	11th March 1865.
Kishorn	11th March 1865.
Kyle of Sutherland	7th March 1865.
Laggan and Sorn in Islay	26th Jan. 1866.
Laxford	11th March 1865.
Leven	11th March 1865.
Little Loch Broom	13th June 1865.
Lochy	4th August 1865.
Loch Duich	13th June 1865.
Loch Luing	13th June 1865.
Loch Roag (Lewis), Rivers Blackwater, Grimersta, and Morsgail.	4th August 1865.
Lossie	11th March 1865.

Names of Rivers.	Date from which Byelaw to take effect.	Name of Rivers.	Date from which Byelaw to take effect.
Luce - - -	7th March 1865.	Scaddle - - -	11th March 1865.
Lussa (Mull) and River, Loch Uisk to Loch Buy.	4th August 1865.	Shiel, Loch Shiel -	11th March 1865.
Moidart - - -	11th March 1865.	Sligachan, Broadford, and Portree.	4th August 1865.
Morar - - -	11th March 1865.	Snizort, Orley Oze, (and Loch Bracadale), and Drynoch (Loch Harport).	4th August 1865.
Nairn - - -	7th March 1865.	Spey - - -	7th March 1865.
Naver and Borgie -	11th March 1865.	Stinchar - - -	10th May 1864.
Nell, Feochan, and Euchar (Loch Feochan).	11th March 1865.	Strathy - -	11th March 1865.
Ness - - -	7th March 1865.	Tay - - -	10th May 1864.
Nith - - -	7th March 1865.	Thurso - - -	11th March 1865.
Ormsary (Loch Killisport), Loch Head River and Stornoway (Mull).	4th August 1865.	Torridon, Balgay, and Shieldag.	11th March 1865.
Pennygown or Glenforsa, and Aros.	4th August 1865.	Ugie - - -	7th March 1865.
Resort - - -	4th August 1865.	Ullapool - - -	13th June 1865.
Ruel - - -	11th March 1865.	Urr - - -	10th May 1864.
Sanda - - -	11th March 1865.	Wick - - -	11th March 1865.
		Ythan - - -	10th May 1864.

SCHEDULE (F.)

Byelaw.

25th and 26th Vict. Cap. 97.
26th and 27th Vict. Cap. 50.
27th and 28th Vict. Cap. 118.

"Acts to regulate and amend the Law respecting the Salmon Fisheries of Scotland."

We, the Commissioners appointed under the said Acts, and empowered thereby "to "make General Regulations with respect to the Construction and Use of Cruives," do hereby make the following General Regulations with respect to the Construction and Use of Cruives:—

I. The upper Surface of the Sill of each Cruive shall be not higher than Twelve Inches above the natural Bed of the River where the Cruive is placed, and in the event of the Sill being placed any higher than the natural Bed of the River there must be a paved Floor or Apron to it down Stream, at least as wide as the Cruive,

having its lower End not higher than the natural Level of the River, and having a Slope not steeper than One in Six; and otherwise, the Cruives shall be so constructed as to afford a ready and easy Passage for the Fish during the Annual and Weekly Close Times.

II. No Cruive shall be less at any Part of it than Four Feet broad in the Clear; provided that where an upright Post is used to support the Cruive, thereby dividing the Width into Two Parts, the aggregate Width exclusive of such Post shall not be less than Four Feet.

III. The Hecks or Rails and Inscales shall be capable of being removed from the Cruive, and shall be removed during the Annual Close Time. During the Weekly Close Time the Hecks or Rails shall be removed, and the Inscales shall either be removed or kept open for the Space of Four Feet.

IV. The Bars of the upper Hecks or Rails shall be placed perpendicularly, not less than Three Inches apart, and they shall not be more than Two Inches thick, and not more than Four Inches broad in the up and down Way of the Stream, and they shall have their Edges rounded off, so that only $1\frac{1}{2}$ Inches in Breadth of the whole Thickness of Two Inches shall remain in the Side of the Hecks or Rails in the up and down Way of the Stream.

V. The Bars of the Inscales shall not be of larger Dimensions than those of the Hecks or Rails, and they shall not be less than Two Inches apart.

VI. Each Side or Half of the Inscales shall not be less than Three Feet long for a Cruive Four Feet wide in the Clear, and shall be longer in the same Proportion to any additional Width of Cruive. They shall be constructed so that the Up Stream Ends cannot and shall not at any Time approach nearer to each other than Five Inches.

VII. No Net or other Contrivance whatever shall be placed or used on or at any Cruive, or Structure connected with a Cruive, for the Purpose of catching Fish, or for preventing their Entry into or passing through the same; nor shall any Device be employed to scare, deter, or obstruct Fish from entering into or passing through any such Cruive. But, notwithstanding anything herein contained, it shall be lawful to place a Canvas Cloth or a Wooden Blind or Blinds over the Heck or Hecks of a Cruive whilst the Fish are being taken out of it, provided such Cloth, Blind or Blinds, be not applied longer than Fifteen Minutes at a Time, or oftener than Six Times in the Course of Twenty-four Hours, and that when there are more Cruives than One at the same Dam only One Cruive shall be covered by the Cloth or Blinds at the same Time.

VIII. No Cruive shall be so constructed, inclosed, roofed, or built over, or in any other Manner hidden or fenced in, as to prevent Persons duly authorized from inspecting the same at all Times, and ascertaining whether the Law is being duly complied with.

IX. No Cruive shall be so altered as to create a greater Obstruction to the free Passage of Fish than at present exists.

WM. J. FFENNELL,
FRED. EDEN,
JAMES LESLIE,
} Commissioners.

Fisheries Department, Home Office,
18th Day of April 1865.

Approved,
G. GREY.

Whitehall, 19th July 1865.

(This Byelaw to take effect from the 28th July 1865.)

SCHE-

SCHEDULE (G.)

Byelaw.

25th and 26th Vict. Cap. 97.
26th and 27th Vict. Cap. 50.
27th and 28th Vict. Cap. 118.

"Acts to regulate and amend the Law respecting the Salmon Fisheries of Scotland."

We, the Commissioners appointed under the said Acts, and empowered thereby "to make "General Regulations with respect to the Construction and Alteration of Mill Dams or "Lades, or Water Wheels, so as to afford a reasonable Means for the Passage of Salmon," do hereby make the following General Regulations with respect to the Construction and Use of Mill Dams or Lades, or Water Wheels:—

1. Every new Dam, and every Portion of any Dam that may require to be renewed or repaired after this Time, shall be made and maintained water-tight, or as nearly so as possible, so that no Water that can reasonably be prevented shall run through the Dam; but all Water not taken into the Lade for the Use of the Mills or other lawful Purpose shall be made to flow over the Dam as fully as may be practicable.

2. There shall be a Sluice or Sluices at the Intake of every Mill Lade. No Water shall, with the Exception herein-after stated, be allowed to enter any Mill Lade beyond the Quantity required for the Use of the Water Wheel or Wheels of any One Fall on that Lade, or for other lawful Purpose in the Lade; that is to say, no Water shall be allowed to escape from any Lade into the River by means of any Bye-wash or Overflow, but all Water not required for the Uses afosesaid shall be made to flow over the Dam into the River as far as may be practicable.

At the Option of the Millers or Manufacturers, this Provision may be carried out either by shutting the Sluice or Sluices at the Intake of the Lade, or by raising the Banks of the Lade to a Height that will prevent an Overflow of Water from the Lade when the Sluice at the Wheel and the Bye-wash Sluice herein-after mentioned are both kept shut. Provided always, that the said Byelaw shall not apply to Millers or Manufacturers when taking Measures necessary for the Protection of their Premises during heavy Floods, or when Rivers are cumbered with Ice, or while necessary Repairs are being executed on any Emergency, provided that nothing be omitted or done unnecessarily to defeat the Objects of this Byelaw. Furthermore, in all Cases when the Intake Sluice is more than 300 Yards from the Water Wheel, it shall not be imperative to shut the Intake Sluice, or to keep the Bye-wash Sluice shut, during ordinary Meal Hours, or during any Stoppage of the Wheel not exceeding an Hour at a Time.

3. At the Intake of every Lade there shall be placed and constantly kept a Heck or Grating for each Opening, or one embracing the whole Openings, the Bars to be not more than Three Inches apart, if horizontal, and not more than Two Inches if vertical.

4. A similar Heck or Grating shall be placed and constantly kept across the Lade or Troughs immediately above the Entrance to each Mill Wheel.

5. A similar Heck or Grating shall be placed and constantly kept across the lower End of each Tail Lade at its Entrance into the Main River.

NOTE.—To prevent any Obstruction to the Flow of the Water by the Hecks or Gratings in the Lades, it is recommended that the Lade should be increased in Width where the Hecks are placed, and that the Heck, instead of being in a straight Line across, should be curved or pointed up or down Stream, and thereby increased in Length, so that the aggregate of the Openings between the Bars shall exceed the Sectional Area (or Waterway) of the Lade, and thus compensate for the Space occupied by the Bars.

6. There shall be a Bye-wash Sluice placed as near as practicable above each Water Wheel in the Embankment of the Lade, of not less than Three Feet in Width, with its Sill as low as the Bottom of the Lade, and the said Sluice shall be raised to a Height sufficient to allow the Smolts to descend for at least Five but not exceeding Eight Hours each Week from the 15th March to the 1st July, not more than Six Days intervening between each Time of Opening.

There shall be a Salmon Pass or Ladder on the Down Stream Face of every Dam, Weir, or Cauld, capable of affording a free Passage for the ascending Fish at all Times when there is Water enough in the River to supply the Ladder. The Width shall not be less than Four Feet in the Clear in Rivers of less than 100 Feet in Breadth at the Site of the Dam, nor less than Five Feet in Breadth in Rivers of less than 200 Feet and more than 100 Feet in Breadth as aforesaid, nor less than Six Feet in Breadth in Rivers of more than 200 Feet in Breadth as aforesaid; the Upper Sill shall be not less than Six Inches below the lowest Part of the Crest of the Dam for the whole Width of the Ladder; the Inclination shall in no Case be steeper than Five horizontal to One perpendicular, but, wherever pacticable, shall be Seven or Eight horizontal to One perpendicular, and in all Cases shall be provided with Breaks or Stops placed at suitable Intervals, so as to lessen the Velocity of the Current sufficiently to allow the Fish to ascend without Difficulty.

The Foot of the Ladder shall be placed where there is most running Water, and with the best Lead for the Fish to approach it; and if the Ladder should project beyond the Toe of the Dam, there shall be an Apron of Stone formed to the Dam, extending as far down the River as the Entrance to the Pass or Ladder, and extending throughout the whole Length of the Dam at either Side of the Ladder, and on a high enough Level to prevent there being any Pool in the River, or sufficient Depth of Water farther up than the Entrance to the said Pass or Ladder, by which the Fish might be induced to remain there obstructed in their Ascent, and not be led to the Ladder.

NOTE.—The Commissioners would recommend the following Details to be adopted in the Construction of Salmon Ladders, in addition to those given in the foregoing Byelaw, but do not insist on them, provided some other perfectly efficient Arrangement be substituted—viz., the Side Walls to be not less than Twenty-two Inches in Height; the Breaks to be not less than Eighteen Inches in Height, with Openings

Openings of Ten Inches in Breadth at the alternate Ends of each Break, and Five Feet apart in Cases where the Gradient of the Ladder is One in Five and of a greater Distance, but the same Proportions being maintained where the Gradient is easier than One in Five.

7. No Dam shall be so altered as to create a greater Obstruction to the free Passage of Fish than at present exists.

WM. J. FFENFELL,
FRED. EDEN,
JAMES LESLIE,
} Commissioners.

Fisheries Department, Home Office,
29th Day of April 1865.

Approved,
G. GREY.

Whitehall, 19th July 1865.

(This Byelaw to take effect from the 28th July 1865.)

SCHEDULE (H.)

LICENCE TO ANGLE FOR SALMON IN DISTRICT.

A.B. of has paid to me the Sum of for the Use of the District Board of , and is licensed to angle for Salmon with Rod and Line within this District during of the Year 18 .

C.D., Clerk to the District Board of

Date

N.B.—This Licence only authorizes the Party named in it to angle at Places in this District where he has the Right of Salmon fishing, or Permission from the Person having such Right.

Schedule of Charges.

For the whole Season, 1*l.*
For any Portion of the Season, at Rates to be fixed by the District Board.

Salmon Fisheries (Scotland)
[H. L.]

A

B I L L

INTITULED

An Act to amend the Law relating to Salmon Fisheries in Scotland.

(*Brought from the Lords* 7 *May* 1866.)

Ordered, by The House of Commons, *to be Printed*,
11 *May* 1866.

[Bill 156.]

Under 9 *oz.*

A

B I L L

FOR

Amending the Laws relating to the Investments on account of Savings Banks and Post Office Savings Banks.

WHEREAS in pursuance of divers Acts of Parliament the Investments made by the Commissioners for the Reduction of the National Debt of the Monies remitted to them on account of ordinary Savings Banks and Post Office Savings Banks consist in part of Capital Stocks of Annuities standing in their Names in the Books of the Governor and Company of the Bank of England to Two separate Accounts, the one intituled "The Account of the Fund for the Banks of Savings," and the other "The Account of the Post Office Savings Banks Fund:" And whereas it is expedient to make further Provision in relation to the said Investments: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The Commissioners of Her Majesty's Treasury may, if they think it advantageous to the Public Service, by Warrant addressed to Power of Treasury to substitute

Terminable Annuities for Capital Stock standing to Savings Bank Account.

to the Governor and Company of the Bank of England, direct them to cancel any Amount the said Commissioners of the Treasury may think fit, not exceeding in the whole *Two million five hundred thousand* Pounds, of the Capital Stocks of Annuities standing on each of the said Savings Bank Accounts, and to substitute for the Stock so cancelled on each Account an Annuity terminable at the Expiration of a Period not exceeding *Thirty Years*, and equivalent in Value to the Amount of Stock cancelled, such Value to be certified to the said Commissioners of the Treasury under the Hands of the Comptroller General or Assistant Comptroller General and of the Actuary of the National Debt Office, and to be ascertained according to the Tables for the Time being in force in relation to the Grant of Annuities by the Commissioners for the Reduction of the National Debt under the Act Tenth George the Fourth, Chapter Twenty-four.

Effect of Substitution of Terminable Annuities for Capital Stock.

2. Upon the Cancellation of any Capital Stock, in pursuance of this Act, all Dividends payable thereon shall cease to be payable from and after the last Day on which they were due previously to such Cancellation, and the Terminable Annuity substituted for such Stock shall be chargeable upon and payable out of the Consolidated Fund of the United Kingdom, or the growing Produce thereof, in such Proportions and at such Times as may be fixed by the Warrant of the said Commissioners of the Treasury.

Power to Commissioners of Treasury to make Rules as to Payment to Commissioners of National Debt.

3. The Commissioners of Her Majesty's Treasury may from Time to Time vary the Periods at which Payments are to be made from the Consolidated Fund to the Commissioners for the Reduction of the National Debt, on account of any annual Charges created by any Act for the Time being in force for Savings Banks and Post Office Savings Banks.

Treasury may cancel Capital Stocks of Annuities, and substitute equivalent Terminable Annuities.

4. The Commissioners of Her Majesty's Treasury may in like Manner, from Time to Time, when they shall consider it advantageous for the Public Service, direct the cancelling of such further Amounts of Capital Stocks of Annuities held by the Commissioners for the Reduction of the National Debt for Savings Banks, or for Post Office Savings Banks, as they shall consider expedient, and may substitute equivalent Terminable Annuities under the Provisions of this Act in lieu of the Capital Stocks of Annuities so cancelled.

Short Title of Act.

5. This Act may be cited for all Purposes as "The Savings Bank Investment Act, 1866."

Savings Banks and Post Office Savings Banks.

A

B I L L

For amending the Laws relating to the Investments on account of Savings Banks and Post Office Savings Banks.

(*Prepared and brought in by Mr. Chancellor of the Exchequer and Mr. Childers.*)

Ordered, by The House of Commons, *to be Printed*, 9 *February* 1866.

[Bill 5.]

Under 1 *oz.*

Sea Coast Fisheries (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.
1. Short Title.
2. Commencement of Act.
3. Repeal of certain Portions of Statutes; 5 & 6 Vict. c. 106.; 7 & 8 Vict. c. 108.; 8 & 9 Vict. c. 108.; 9 & 10 Vict. c. 114.; 11 & 12 Vict. c. 92.; 13 & 14 Vict. c. 88.

Central Authority.

4. Commissioners for Execution of Act. Treasury may remove Commissioners and appoint Officers, &c.
5. Commissioners, Inspectors, &c. empowered to enforce Provisions of this Act.
6. Powers of Commissioners.
7. Commissioners to report annually. Copy of Report to be laid before Parliament.
8. The Coasts of Ireland to be divided into Districts for the Purposes of this Act.
9. Fishing Vessels on the Coast of Ireland to be registered and marked, &c.

Regulations as to Trawl and Drift Nets.

10. Regulations as to Trawl and Drift Nets.

Oyster Fisheries.

11. Close Season for Oysters, 1st of May to 1st of September.
12. Power to make Oyster Beds.
13. No Licence to be granted until a public Inquiry.
14. Publication of Licence for Oyster Beds.
15. Oyster Beds below lowest Water of Spring Tide not to be deemed private Property unless held by Charter or Prescription, or by Permission of Commissioners.
16. Power to dredge during Part of Close Time for Oysters to supply Beds.
17. Commissioners to make Byelaws for Improvement of Oyster Fisheries.
18. Proprietors of Oyster Beds may appoint Water Bailiffs.

Clause.
19. Fishermen, &c. may use Waste Shores for the Purposes of fishing.
20. Provisions as to watching for Fish.
21. Penalty on Persons resisting or obstructing Fishermen in using Waste Shores.
22. Penalty on Persons assaulting or obstructing any Person fishing in a legal Manner.
23. It shall be lawful for the Inhabitants of the United Kingdom to fish on the Coasts and in the Creeks, Bays, &c. of Ireland, and to use all Ports, Waste Shores, &c.
24. Officers and Men of Her Majesty's Cruisers, and Officers and Men of Coast Guard Service, empowered to enforce Provisions of this Act. Officers and Men of the Coast Guard empowered to act as Constables.
25. Offenders may be apprehended if they refuse to tell their Names.
26. Penalty on Persons using Violence.

Water Bailiffs.

27. Powers of Water Bailiffs.
28. Penalty on opposing or assaulting Commissioners, Conservators, &c., or Persons authorized by them, in execution of this Act.

Loans for Encouragement of Fisheries.

29. Provisions of Act 10 Vict. c. 32. and subsequent Acts extended to this Act.

Legal Proceedings.

30. Recovery of Penalties.
31. Appeal from Convictions to Quarter Sessions.
32. Appeal against Dismissal.
33. Illegal Nets shall be brought before Magistrates at Petty Sessions, and destroyed; and legal Nets, when used illegally, shall, upon being forfeited, be sold.
34. Offences committed on Sea Coast where to be tried.

SCHEDULE.

A

B I L L

TO

Amend the Law of Ireland as to the Sea Coast Fisheries.

WHEREAS it is expedient to amend the Laws relating to the Sea Fisheries of Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited for all Purposes as "The Fishery (Ireland) Act, 1866." Short Title.

2. This Act shall not come into operation until the *First* Day of *October* One thousand eight hundred and sixty-*six*. Commencement of Act.

3. From and after the *Commencement of this Act* there shall be repealed so much of the several Acts herein-after mentioned as relates to the Sea Fisheries of Ireland; (that is to say,) Repeal of so much of Statutes as relates to Sea Fisheries.

An Act passed in the Sixth Year of the Reign of Her Majesty, Chapter One hundred and six, intituled "An Act to regulate "the Irish Fisheries:" 5 & 6 Vict. c. 106.

7 & 8 Vict. c. 108. An Act passed in the Eighth Year of Her Majesty, Chapter One hundred and eight, intituled "An Act to amend an Act of the "Sixth Year of Her present Majesty, intituled 'An Act to "'regulate the Irish Fisheries,' and to empower the Constabu- "lary Force to enforce certain Provisions respecting the Irish "Fisheries:"

8 & 9 Vict. c. 108. An Act passed in the Ninth Year of Her Majesty, Chapter One hundred and eight, intituled "An Act for the further Amend- "ment of an Act of the Sixth Year of Her present Majesty, "for regulating the Irish Fisheries:"

9 & 10 Vict. c. 114. An Act passed in the Tenth Year of Her Majesty, Chapter One hundred and fourteen, intituled "An Act for the further Amend- "ment of an Act of the Sixth Year of Her present Majesty, for "regulating the Irish Fisheries:"

Provided that such Repeal shall not affect—

1. Any Security duly given before this Act comes into operation:
2. Any Liability accruing before this Act comes into operation:
3. Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence committed before this Act comes into operation:
4. The Institution of any legal Proceeding or any other Remedy for ascertaining, enforcing, or recovering any such Liability, Penalty, Forfeiture, or Punishment as aforesaid.

Central Authority.

Commissioners for Execution of Act.

4. The Commissioners for the Execution of this Act shall consist of the following Persons; viz., the Special Commissioners for Irish Fisheries appointed under the Act of Twenty-sixth and Twenty-seventh of Victoria, Chapter One hundred and fourteen, and called hereafter the Commissioners, and the general Superintendence of the Fisheries throughout Ireland shall be vested in them: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury to appoint any Inspector or other Officer that may be necessary for carrying this Act into execution, and to remove the Commissioners or any Inspector, Clerk, or other Officer, or any One or more of them, and to appoint another or others in the Room of the Person or Persons so removed or dying or resigning, *and to pay to such Commissioners, Inspector, Clerk, or other Officer respectively, out of such Monies as may be provided by Parliament for the Purpose, such Sums by way of annual Salaries as the Commissioners of Her Majesty's Treasury shall think fit;* and the Commissioners shall have equal and co-ordinate Powers, Authorities, and Privileges, so far as regards the carrying into execution the Provisions of this Act; and all such Powers, Authorities, and Privileges shall and may be exercised by any One or more of them.

Treasury may remove Commissioners, &c.

5. It

Commissioners, Inspectors, &c. empowered to enforce Provisions of this Act. 5 & 6 Vict. c. 106. s. 89.

5. It shall be lawful for the Commissioners, or any Inspector or other Officer appointed for the Purposes of this Act, to use and exercise all Powers and Authorities for enforcing the Provisions of this Act conferred by this Act upon Water Bailiffs.

Powers of Commissioners.

6. The Commissioners or any Inspector appointed by the Lords Commissioners of Her Majesty's Treasury may examine any Witnesses on Oath, and with respect to enforcing the Attendance of Witnesses, and the Production of Deeds, Books, Papers, and Documents, shall have the same Powers as the Judges of One of Her Majesty's Superior Courts of Westminster have for such or the like Purposes; moreover it shall be lawful for the Commissioners or any Inspector appointed as aforesaid to order any Person to be removed from their Court who may interrupt the Business of the Court or refuse to obey their lawful Orders in respect of the same; and it shall be the Duty of the Chief Constable, Commissioner, or Chief Officer of Police of the County, City, Borough, or Place in which the Court is held to take care that an Officer of Police do attend that Court during its Sitting for the Purpose of keeping Order therein, and to carry into effect any such Order of the Commissioners or Inspector as aforesaid.

Commissioners to report annually. 5 & 6 Vict. c. 106. s. 112.

7. The Commissioners shall, on or before the last Day of *January* in every Year, make a Report to the Lord Lieutenant or other Chief Governor or Governors of Ireland of their Proceedings for the preceding Year, and of the Receipt and Expenditure of any Sums of Money which the said Commissioners shall, under the Provisions of this Act, receive or expend; and such Report shall also contain, as far as may be practicable, a Statistical Account of the said Fisheries, arranged and classified under such different Heads as may appear to the said Commissioners to be most suited and adapted for the Purpose, or as may from Time to Time be directed by the said Lord Lieutenant or other Chief Governor or Governors; and a Copy of every such Report shall be laid before each House of Parliament if then sitting.

Copy of Report to be laid before Parliament.

The Coasts of Ireland to be divided into Districts for the Purposes of this Act. 5 & 6 Vict. c. 106. s. 15.

8. For the Purpose of facilitating the registering of Vessels and Boats engaged in the Sea and Tideway Fisheries of Ireland, the Commissioners shall divide the Coast of Ireland into such and so many Districts or Divisions, to be designated by such Names, Marks, or Letters as they shall deem fit, and shall and may, if they shall think fit, from Time to Time alter such Districts, Divisions, and Designations, and such Districts, Divisions, and Designations, or Alterations thereof as aforesaid, shall be published by the Com-

missioners in such Manner as they may direct, and shall also be recorded in the Office of the Commissioners.

Fishing Vessels on the Coast of Ireland to be registered and marked, &c.

5 & 6 Vict. c. 106. s. 16.

9. At such of the Coast Guard Stations within such Districts or Divisions respectively as the Commissioners shall appoint, subject to the Consent and Approbation of the Lords Commissioners of the Admiralty, there shall be kept in a Book or Books, to be provided for that Purpose, a Registry of all Vessels, Boats, Cots, or Curraghs engaged in fishing, and belonging to Places within the District or Division in which such Coast Guard Station may be situate, together with the Names of the Owners of such Vessels, and of the Ports to which the same may respectively belong, and the Number of Men usually employed in each such Vessel, Boat, Cot, or Curragh; and the Owners of such Vessels, Boats, Cots, or Curraghs are hereby required to have registered accordingly their Names, and the Names of their Vessels, and the Ports to which they severally belong, and the Number of their Men; and the Owner of each Vessel, Boat, Cot, or Curragh shall be furnished by the registering Officer for the Time being with a Certificate of such Registry signed by him, and pay such Sum as the Commissioners may direct, not exceeding the Sum of *One Shilling* for each such Certificate; and such Certificate, or a Copy thereof obtained from such registering Officer, shall be conclusive Evidence of such Registration; and the Number and Mark or Letter which shall be assigned to each Vessel, Boat, Cot, or Curragh by the registering Officer, together with the Names of the Vessel, of the Owner, or some One of the Owners, where more than One, and of the Port to which such Vessel, Boat, Cot, or Curragh belongs, shall be painted on the Stern of such Vessel, Boat, Cot, or Curragh; and such Number and Mark or Letter shall be also painted on the Sails and Bows or Quarters, and on the Buoys attached to the Nets used with such Vessel, Boat, Cot, or Curragh, or on small Boards permanently attached to such Nets for the Purpose, in such Manner and in Figures of such Dimensions as the Commissioners shall direct; and if any Vessel, Boat, Cot, or Curragh shall be used for fishing on any Part of the Coast of Ireland, or within any Estuary thereof, at any Time after the *First Day of July One thousand eight hundred and sixty-seven*, which Vessel, Boat, Cot, or Curragh shall not have been so duly registered as aforesaid, or on the Stern whereof the Name of such Vessel, Boat, Cot, or Curragh, that of the Owner or One of the Owners, and of the Port to which such Vessel, Boat, Cot, or Curragh may belong, shall not be so painted, and on the Sails, Bows, or Quarters, and Buoys and small Boards attached to the Nets whereof, such Number and Mark or Letter shall not be so painted, the Owner, Master, or chief Officer of such Vessel, Boat, Cot, or Curragh so used, shall for every such Offence forfeit and

Penalty for using Vessels not registered.

and pay a Sum not exceeding *Ten Pounds:* Provided always, that when any such Vessel shall not be permanently engaged in fishing, the Number and Mark or Letter may be temporarily attached to the Sails, Bows, and Quarters of such Vessel, in such Manner and for such Time as shall be permitted by the Commissioners; and provided also, that Vessels belonging to Places out of Ireland may, for the Purposes of this Act, be registered at the Coast Guard Station of any District or Division within or adjoining which such Vessel shall be engaged in fishing for the Time being, the Owner, Master, or chief Officer of any such Vessel being subject nevertheless in both last-mentioned Cases to forfeit and pay a Sum not exceeding *Ten Pounds* if he shall neglect to comply with the Provisions aforesaid; and any Officer or Men of the Coast Guard is or are hereby authorized to seize and detain in his Custody all Boats, Vessels, &c., not registered and marked as herein directed; and such Boats or Vessels so seized may be restored to the Owner on the Penalties and Costs incurred being paid.

Regulations as to Trawl and Drift Nets.

Regulations as to Trawl and Drift Nets.

See 6 & 7 Vict. c. 79. Schedule, Art. 24, 25, 26, 60, & 61.

10. The following Regulations as to Trawl and other Fishing shall be adopted:

(1.) Trawl Fishing is forbidden in all Places where there are Boats engaged in Herring or Mackerel Drift Net Fishing:

(2.) Trawl Boats shall always keep at a Distance of at least Three Miles from all Boats fishing for Herrings or Mackerel with Drift Nets:

(3.) Whenever Herring or Mackerel Boats shall commence Drift Net Fishing in any Place whatever, and that Herring or Mackerel Drift Net Fishing is being bonâ fide carried on, the Trawl Boats which may be already fishing in such Place shall depart therefrom, and shall keep at a Distance of at least Three Miles from the said Drift Net Herring or Mackerel Boats:

(4.) When Nets of different Boats get foul of each other, the Master of the said Boats shall not cut them, unless it shall have been found impossible to clear them by other Means; and if they are so obliged to cut them, they shall knot or join the Parts as far as shall be practicable:

(5.) All Fishing Boats, all Rigging, Gear, or other Appurtenances of Fishing Boats, all Nets, Buoys, Floats, or other Fishing Implements whatsoever found or picked up at Sea, shall, as soon as possible, be delivered at the nearest Coast Guard Station, and any Person acting in contravention of this Section shall incur a Penalty not exceeding *Ten Pounds.*

Oyster Fisheries.

Close Season for Oysters, 1st of May to 1st of September.

See 5 & 6 Vict. c. 106. s. 32.

11. It shall not be lawful for any Person, between the *First Day of May* and the *First Day of September* in any Year, to have in his Possession, dredge for, take, catch, or destroy any Oyster or Oyster Brood, save and except where the Season for taking the same may have been changed by the Commissioners under the Provisions of the Acts hereby repealed; and it shall be lawful for the Commissioners to alter, if they shall think fit, on the Application of any Person interested in any Oyster Fishery the Season in any Locality during which it shall not be lawful to dredge for or take any Oysters, taking the like Steps as are provided in case of altering the Season for Salmon Fishing herein-before provided.

Power to make Oyster Beds.

8 & 9 Vict. c. 108. s. 17. and 13 & 14 Vict. c. 88. s. 41.

12. It shall be lawful for the Owner or Occupier of any Land bordering on the Sea or any Estuary, with the Permission in Writing of the Commissioners, or for any Person or Persons, with the Consent in Writing of such Owner or Occupier, and with the Permission in Writing of the Commissioners, to form or plant any Oyster Bed or Laying on the Shore adjacent to such Lands, and between High-water and Low-water Mark, and above or below the Level of the lowest Water Mark of Spring Tides, or for any Person or Persons without such Consent as aforesaid, and with the Permission of the Commissioners, to form or plant any Oyster Bed below Low-water Mark, as the said Commissioners shall think fit; and it shall be lawful for the several Persons forming or planting any such Oyster Bed or Laying to hold the same as private Property, and to exercise an exclusive Control over the same, and such Oyster Beds shall be entitled to the like Protection as is provided in case of any other Oyster Beds or Layings being the exclusive Property of any Person: Provided always, that any such Permission as last aforesaid shall be lodged with the Clerk of the Peace of the County in which such Oyster Beds or Layings shall be situate, and in all Cases where it shall hereafter become necessary to prove any such Permission of said Commissioners in any Court of Law or Justice or elsewhere, a Copy obtained from the Office of any such Clerk of the Peace with whom the same may be lodged, and certified by him to be a true Copy thereof, shall be received and taken as full and sufficient Evidence of the Existence of any such Permission, and which Copy such Clerk of the Peace is hereby required to furnish at the Price of *Sixpence* for each Copy so furnished and certified: Provided always, that the forming and planting of such Oyster Beds as aforesaid shall not give any exclusive Right or Title to the Occupancy of the said Shore, except for the Purpose aforesaid, or to the Appropriation of any public Banks or Beds at present resorted to for Oysters, but that the

the Rights herein-before granted and conferred are to be considered as exclusively applying to Places where no public Oyster Beds at present exist; saving to the Queen's most Excellent Majesty, and all the Subjects of this Realm, the free and full Exercise and Enjoyment of all other Rights of fishing or other Rights whatsoever in or along the said Shore; and provided also, that in case of any such Permission being granted to any Occupier of any Land bordering on the Sea or any Estuary as aforesaid, or to any Person with his Consent, or to any other Person, such Permission shall only continue and be in force during the Continuance of such Occupancy, or the legal Transfer of same to any other Person, which shall be duly noticed to the Commissioners, and such Transfer recorded in the Office of the Clerk of the Peace; and in the Case of any Permission being granted to any Person with the Consent of any Owner, such Permission to plant Oyster Beds shall only continue and be in force for such Period as shall be named in the Consent of such Owner.

No Licence to be granted until a public Inquiry.

13. No Licence to plant Oyster Beds shall be granted by the Commissioners until they or any Inspector as aforesaid by their Directions shall have held a public Inquiry in the Locality, giving at least *Fourteen Days* Notice of such Inquiry by Advertisements inserted twice at least in some Newspaper published and circulating in the County in which the proposed Oyster Beds are situated, and by printed Notices posted at the usual Places for posting Notices within the Locality of the proposed Oyster Beds.

Publication of Licence for Oyster Beds.

14. When the Commissioners shall have decided on granting a Licence for Oyster Beds to any Person or Persons they shall cause Notices of their Intention to grant such Licence to be published in the same Manner as before mentioned, such Notices to describe accurately the Position of the Oyster Bed and the Name and Address of the Person or Persons to whom they have decided to grant such Licence; and any Person feeling aggrieved by such Decision may appeal to the Going Judge of Assize on giving the Commissioners and the Person to whom such Licence is proposed to be granted Notice within *One Month* of the Date of the posting of such Notices of his Intention so to appeal. If unappealed from, or confirmed on Appeal by such Judge, such Licence shall be final, conclusive, and binding on all Parties.

Oyster Beds below lowest Water of Spring Tide

15. Nothing herein shall be construed to protect, as an exclusive Right or private Property, any Oyster Bed or Laying, or Oyster Fishery lying below the Level of the lowest Water of Spring Tides,

not to be deemed private Property unless held by Charter or Prescription, or by Permission of Commissioners. 8 & 9 Vict. c. 108. s. 16.

or to subject any Person to be deemed guilty of or to be indicted for Larceny for taking Oysters from any such Oyster Bed or Fishery, unless such Oyster Bed or Fishery shall be legally possessed and enjoyed by some Person by virtue of Charter, Grant, Patent, or Act of Parliament, in and by which such Oyster Bed or Fishery is specially granted, and the Limits thereof accurately described, or unless the same has been held and enjoyed by Prescription as an exclusive Right and private Property or unless such Oyster Bed or Laying shall have been or shall be made with the Permission of the Commissioners, as herein provided.

Power to dredge during Part of Close Time for Oysters to supply Beds. 8 & 9 Vict. c. 108. s. 19.

16. For the Purpose of replenishing and supplying such artificial Oyster Beds or Layings, or other Beds and Layings the exclusive Property of any Person or Persons, but for no other Purpose whatsoever, it shall be lawful for any Person to dredge for and take Oysters from any natural public Bed lying below the Level of the lowest Water of Spring Tides, during such Part only of the Close Season as now fixed or hereafter to be fixed under the Provisions of this Act, as the Commissioners shall think fit to appoint for such Purpose for or in any District or Place: Provided always, that if any Oysters dredged or taken during such Part of the Close Season shall be brought to Shore, or sold or offered for Sale, or be found in the Possession of any Person on Land, or be used for any other Purpose than the replenishing or supplying any such artificial or other Bed as aforesaid, every Person so offending shall forfeit all such Oysters, and be subject and liable to the same Penalties and Forfeitures as by this Act prescribed in Cases of Offences against the Provisions of this Act for the Observance of the Close Season in respect to Oysters.

Commissioners to make Byelaws for Improvement of Oyster Fisheries. 8 & 9 Vict. c. 108. s. 20.

17. It shall be lawful for the Commissioners from Time to Time to make and ordain such Byelaws, Rules, and Regulations as to them shall seem expedient, to prevent the Destruction or Removal from any Oyster Beds of small unsizeable Oysters, and to fix by any such Byelaws, Rules, or Regulations the Size or Dimensions of the smallest Oysters which may be removed from such Beds, and to appoint such Means to be adopted in the dredging and culling of the Oysters on the Fishing Grounds as will secure the Return to the Sea of all Oysters of less Dimensions than those to be so fixed, and during any Part of the Close Time, or in Places where dredging for Oysters shall be prohibited for a certain Period, to prohibit, if they shall so think fit, that any Boat shall have on board a Dredge or other Implement for the taking of Oysters, and to make such other Rules and Regulations as to them shall seem fit for the Increase, Improvement, and Protection of the Oyster Fisheries.

18. It

18. It shall be lawful for any Proprietor or Tenant of any Oyster Bed or Laying, or for any associated Body of Persons interested in the Protection and Improvement of any Oyster Fishery, to appoint by any Instrument in Writing in the Form in the Schedule to this Act annexed, in the same Manner and subject to the same Restrictions, any Person or Persons to be a Water Bailiff or Water Bailiffs for the Protection of any such Oyster Fishery, and for the due Enforcement of the Provisions of this Act in respect of the same, and of the Bye-laws, Rules, and Regulations to be made by the Commissioners in relation thereto; and the Water Bailiffs so to be appointed shall have and may exercise and use the Powers and Authorities conferred by this Act as herein-after mentioned.

Proprietors of Oyster Beds may appoint Water Bailiffs. 8 & 9 Vict. c. 108. s. 21.

General Provisions.

19. It shall be lawful for all Fishermen and Persons employed by them to enter upon all such Beaches, Strands, and Wastes on or adjoining the Sea Shore or any Estuary, as may be necessary for the Purpose of carrying on any Herring or other Sea Fishing, and also to draw up and spread their Nets and land their Fish upon any such Beach, Strand, or Waste: Provided nevertheless, that they shall not erect any Fixtures or Fixed Nets thereon.

Fishermen, &c. may use Waste Shores for the Purposes of fishing. 5 & 6 Vict. c. 106. s. 3.

20. It shall be lawful for all Watchmen, Directors, and Guiders of Fishermen, and all such Fishermen themselves, and such other Persons as shall necessarily attend the Nets or Fishings at the Times of fishing for Herrings, Pilchards, and other Sea Fish, to enter and go into and upon any Lands which lie or adjoin near unto any Fishing Place, fit, convenient, and necessary to watch and to draw or carry the Fish on shore, and there to watch for the said Fish, and to direct and guide the said Fishermen which shall be upon the Sea and Sea Coasts for the taking of the said Fish; provided that no Person shall be empowered or authorized by this Act to enter in or upon any enclosed Garden, or any Tillage Land with a growing Crop thereon.

Provisions as to watching for Fish. 5 & 6 Vict. c. 106. s. 4.

21. If any Person shall resist or forcibly obstruct any Fisherman, or Person employed by him, in entering upon or using for the Purposes aforesaid the said Beaches, Strands, Wastes, and other Lands (save Gardens and Lands with a growing Crop as aforesaid), every Person so offending for every such Offence shall forfeit and pay any Sum not exceeding *Five Pounds*.

Penalty on Persons resisting or obstructing Fishermen in using Waste Shores. 5 & 6 Vict. c. 106. s. 5.

22. If any Person shall resist or obstruct any Persons lawfully engaged in fishing, or in proceeding to fish, or in returning from fishing, or shall wilfully and maliciously place any Net or other Engine, or Obstruction of any Kind, with the Intent and Design

Penalty on Persons assaulting or obstructing any Person

fishing in a legal Manner. 5 & 6 Vict. c. 106. s. 28. and 6 & 7 Vict. c. 79. s. 11.

to prevent Fish from entering the Nets of other Persons set or placed in a legal Manner, or shall beat or disturb the Water, or in any other Manner act with the Intent and Design unlawfully to prevent Fish from being taken by any Person in a legal Manner, or shall wilfully and maliciously injure or destroy the Net or Boat of any Person, every Person so offending shall for every such Offence forfeit and pay any Sum not less than *Five Pounds* and not exceeding *Twenty Pounds*, and shall also pay Compensation for any Net or Boat so injured or destroyed; and every such Net or other Engine or Obstruction so placed as aforesaid shall also be forfeited.

It shall be lawful for the Inhabitants of the United Kingdom to fish on the Coasts and in the Creeks, Bays, &c. of Ireland, and to use all Ports, Waste Shores, &c. 59 G. 3. c. 109. s. 38.

23. It shall be lawful for the Inhabitants of the United Kingdom at all Times and Seasons of the Year, when they shall think proper, freely to fish for, take, and cure any Herrings, Mackerel, Cod, and Ling, or other Sorts of Fish, in all and every Part of the Seas, Creeks, and Bays, wherever such are to be found or can or may be taken, on the Coasts of Ireland, unless where such may be prohibited by the Provisions of this Act; and no Person or Persons shall under any Pretence whatsoever presume to obstruct or hinder any Person or Persons from fishing in the Places aforesaid; nor shall any Person presume to demand or receive any Dues, Sums of Money, or other Consideration whatsoever from any Inhabitant of the United Kingdom for the Use of any Ports, Harbours, or Waste Shores on the Coasts of Ireland, except for the Payment of such Harbour or Pier Dues as are and by Law ought to be demanded for Ships, Vessels, and Boats in Piers and Harbours which are built and artificially made; and every Person or Persons so offending shall for every such Offence forfeit the Sum of *Twenty Pounds*, to be recovered in a summary Manner and levied and applied as other Forfeitures are herein directed to be levied and applied.

Officers and Men of Her Majesty's Cruisers, and Officers and Men of Coast Guard Service, empowered to enforce Provisions of this Act. 5 & 6 Vict. c. 106. s. 86. and 7 & 8 Vict. c. 108. s. 2.

24. It shall and may be lawful for all Officers and Petty Officers and Men belonging to the Cruisers of Her Majesty's Navy, and for all Officers and Men of the Coast Guard, and for all Officers and Men of the Constabulary, anything in any Act of Parliament to the contrary notwithstanding, at all Times and in all Places, and subject to such Directions and Regulations as the Lords Commissioners of the Admiralty, or the Inspector General of Constabulary, shall from Time to Time think fit to prescribe, to go on board any Vessel employed in Fishing, and examine the Certificate of Registry and Nets of such Vessel, and whether the Regulations of this Act have been complied with, and whether the Master and other Persons on board such Vessel are carrying on the said Fishery in the Manner hereby required, and to seize any illegal Nets or Engines, or Boats, Nets,

Nets, or Engines used contrary to the Provisions of this Act, or any of the Orders, Regulations, or Byelaws made by the said Commissioners; and it shall be lawful for the Officers and Men employed in the Coast Guard Service in Ireland, or of the Constabulary Force, to execute, for the Purposes of this Act, on Sea or on Land, the Warrants of any Justice or Justices, as fully and effectually as any Person or Persons authorized and empowed to execute Warrants of any Justice or Justices in Ireland may now execute the same on Land within their respective Districts, and also to do all such other Acts on Sea or Land in relation to the Preservation of the Peace among Persons engaged in Fishing, and the Enforcement of the Provisions of this Act, as any Water Bailiff or Constable may lawfully do within his Jurisdiction, and to have all the Powers, Privileges, and Authorities as are conferred on Water Bailiffs.

Officers and Men of the Coast Guard empowered to act as Constables.

25. When any Person shall be found at Sea, or on Rivers, Lakes, or other Waters, or on Land, offending against any of the Provisions of this Act, or of any Byelaw, Order, or Regulation of the Commissioners, by the Use of any illegal Net, Engine, or Device whatsoever for the taking of Fish, or by the Use of any Net, Engine, or Device prohibited at such Time, or in any other Manner, it shall be lawful for any Officer or Person empowered to enforce the Provisions of this Act, or for any Person interested in the Fishery in which such illegal Act may be committed, to require the Person so found offending forthwith to desist from such Offence, and also to tell his Christian Name, Surname, and Place of Abode; and in case such Person shall, after being so required, refuse to tell his real Name or Place of Abode, or shall give such a general Description of his Place of Abode as shall be illusory for the Purpose of Discovery, or shall wilfully continue such Offence, it shall be lawful for the Officer or Person so requiring as aforesaid, and also for any Person acting by his Order and in his Aid, to apprehend such Offender, and to convey him, or cause him to be conveyed, as soon as conveniently may be, before a Justice of the Peace to be dealt with according to Law: Provided always, that no Person so apprehended shall on any Pretence whatsoever be detained for a longer Period than *Twenty-four* Hours from the Time of his Apprehension before he shall be brought before some Justice of the Peace; and that if he cannot, on account of the Absence or Distance of the Residence of any such Justice of the Peace, or owing to any other reasonable Cause, be brought before a Justice of the Peace within such *Twenty-four* Hours as aforesaid, then the Person so apprehended shall be discharged, but may nevertheless be proceeded against for his Offence by Summons or Warrant, as if no such Apprehension had taken place.

Offenders may be apprehended if they refuse to tell their Names. 5 & 6 Vict. c. 106. s. 87.

 26. Where

Penalty on Persons using Violence. 5 & 6 Vict. c. 106. s. 88.

26. Where any Persons, to the Number of Three or more together, shall be found by any Officer or Men of Her Majesty's Navy, or of the Coast Guard, or Constabulary, or any Water Bailiff or Peace Officer, by Violence, Intimidation, or Menace, impeding or obstructing, or attempting to impede or obstruct, any other Person or Persons in the lawful Prosecution of any Fishery, it shall be lawful for such Officer of the Navy or Coast Guard, or Constabulary Force, or Water Bailiff, and also for any Person acting by his Order or in his Aid, to apprehend such Offenders, and to convey them before a Justice of Peace to be dealt with according to Law; and every Person so offending by such Violence, Intimidation, or Menace as aforesaid, and every Person then and there aiding or abetting such Offender, shall, upon being convicted thereof, forfeit and pay for every such Offence such Penalty, not exceeding *Twenty Pounds*, as to the convicting Justice shall seem meet, together with the Costs of the Conviction, which said Penalty shall be in addition to and independent of any other Penalty to which any such Person may be liable for any other Offence against this Act.

Water Bailiffs.

Powers of Water Bailiffs.

27. Every Water Bailiff shall be empowered to exercise the Powers and Authorities of a Constable for the Enforcement of the Provisions of this Act, or any Byelaw made by the Commissioners, and shall be at liberty at all Times to enter any Boat or Vessel engaged in Fishing, and to examine all Nets, and to seize all Engines used contrary to the Provisions of this Act, or to any Byelaw or Order made by the Commissioners, and to examine the Certificate of Registry of any Vessel employed in Fishing, and the Production of his Warrant of Appointment shall be sufficient Authority for such Water Bailiff acting.

Penalty on opposing or assaulting Commissioners, Conservators, &c., or Persons authorized by them in execution of this Act. 5 & 6 Vict. c. 106. s. 90.

28. If any Person shall assault, resist, or obstruct any of the Commissioners, Inspectors, or other Officers, or any Person acting by their Authority, or any Water Bailiff, or any Person acting under them or any of them, in the Execution of any of the Powers conferred on him or them by this Act, or by any Rule, Order, or Byelaw to be made in pursuance of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding *Ten Pounds*.

Loans for the Encouragement of Fisheries.

Provisions of 10 Vict. c. 32. and subsequent Acts extended to this Act.

29. For the Encouragement of the Fisheries of Ireland so much of the Provisions of the Act of the Tenth of Victoria, Chapter Thirty-two, and the subsequent Acts amending and extending the same, which authorize the Commissioners of Public Works in Ireland to lend

lend Money for the Improvement of Landed Property in Ireland and for other Matters, shall be extended to this Act; and the Commissioners of Public Works in Ireland shall be and are hereby authorized to advance by way of Loans Sums of Money for the following Purposes and under the Conditions herein-after specified:

(1.) To any of the above-mentioned Classes of Persons for the Cultivation or planting of Oyster Beds on the Shores of the Sea adjacent to their Lands, and for the planting of which Oyster Beds they shall have received the written Permission of the Commissioners as herein-before mentioned:

(2.) To any such Persons as aforesaid for the building of Piers, cleaning or dredging Harbours, Erection of Curing Houses or Sheds for the Purpose of curing or drying Fish, on the Certificate of the Commissioners that such Work is necessary and important:

(3.) To any Person who shall produce such Security for the Repayment of such Money as he may be entitled to borrow, on the Certificate of the Commissioners, as may be satisfactory to the Commissioners of Public Works for the building and repairing of Boats and Vessels or the Purchase of Fishing Gear, or such other Purpose as the Commissioners may certify under their Hands to be expedient for the Promotion of the Fisheries, but Loans for the Purposes mentioned in this last Paragraph of this Section shall only be made by Repayments extending over a Period of not more than *Ten Years* instead of the Period mentioned in the said Acts for the Improvement of Landed Property in Ireland:

(4.) Loans made by the Commissioners of Public Works for the Purposes mentioned in this Act shall not be advanced by Instalments as provided by the Act of the Tenth of Victoria, Chapter Thirty-two, but may be advanced in full on Completion of the Forms of Security for the Repayment thereof required by the Commissioners of Public Works in Ireland:

(5.) No Loan to be made for any of the Purposes herein specified shall be less than *Fifty Pounds* or more than *Two thousand Pounds*.

Legal Proceedings.

Recovery of Penalties. 24 & 25 Vict. c. 109. s. 35. and 11 & 12 Vict. c. 92. s. 35.

30. All Fines and Penalties imposed by this Act, and all Costs or Expenses by this Act directed to be recovered, may, unless otherwise specially provided, be recovered in a summary Manner within *Six* Months after the Commission of the Offence, in manner directed by an Act passed in the Fifteenth Year of the Reign of Her Majesty Queen Victoria, Chapter Ninety-three, intituled "The Petty Sessions, Ireland, Act, 1851," or any Act amending the same; and all Monies

received in respect of Fines and Penalties recovered under the Act shall be paid as follows; (that is to say,)

One Third to the Person on whose Complaint the Fine or Penalty is recovered, and the Remainder to the Crown.

Appeal from Convictions to Quarter Sessions. 5 & 6 Vict. c. 106. s. 99.

31. If any Person shall think himself aggrieved by any Judgment, Order, or Conviction of any Justice or Justices of the Peace, whatever may be the Amount of the Fine, Penalty, or Sum of Money ordered to be paid, or the Term of the Imprisonment imposed, such Person may appeal to the Quarter Sessions in conformity with the Provisions of the said Petty Sessions, Ireland, Act, 1851.

Appeal against Dismissal. 5 & 6 Vict. c. 106. s. 100.

32. And if any Person prosecuting shall think himself aggrieved by any Order of Dismissal, it shall and may be lawful for such Person to appeal to such Sessions as directed in the said Petty Sessions, Ireland, Act, 1851, with regard to Appeals from any Conviction, upon giving like Notice and entering into a Recognizance with Two sufficient Sureties before any Magistrate, in any Sum not less than *Ten Pounds*, conditioned for the Payment of all such Costs and Expenses as shall be adjudged against him on the Hearing of such Appeal.

Illegal Nets shall be brought before Magistrates at Petty Sessions and destroyed;

and legal Nets, when used illegally, shall, upon being forfeited, be sold. See 5 & 6 Vict. c. 106. s. 103. and 1 G. 1. stat. 2. c. 18. ss. 6. 14. 18 G. 3. c. 33. s. 4.

33. In case any Officer or Person hereby authorized and empowered to seize illegal Nets or Engines, or Nets or Engines of a legal Form and Size when used contrary to the Provisions of this Act, shall seize the same, it shall and may be lawful for him to retain the same in his Custody until the next Sitting of the Petty Sessions Court, or any Adjournment thereof, in the Petty Sessions District where the same shall be seized, and at such Petty Sessions Court it shall and may be lawful for the Justices to order and direct the same to be forfeited, and in case the same shall be such as cannot be legally used under the Provisions of this Act, to order the same to be destroyed, and in case the same shall be such as may be legally used under the Provisions of this Act, then and in such Case it shall be lawful for such Justices to order the same to be sold, or otherwise disposed of as such Justice shall direct, and the Money arising therefrom, if sold, to be applied in the same Manner as the Penalties imposed for Violation of the Provisions of this Act are hereby directed to be applied.

Offences committed on Sea Coast where to be tried. 24 & 25 Vict. c. 109. s. 37.

34. Any Offence committed under this Act, on the Sea Coast or at Sea, beyond the ordinary Jurisdiction of any Justice of the Peace, shall be deemed to have been committed within the Body of any County abutting on such Sea Coast or adjoining such Sea, and may be tried and punished accordingly.

SCHE-

SCHEDULE to which the foregoing Act refers.

Form of Warrant for a Water Bailiff.

[*Stamp.*]

I *A.B.* [*or* we *A.B.* and *C.D.*, *as the Case may be*,] [*name the Place or Places of Residence*], do hereby appoint *D.E.* of [*name the Place of his Residence*] a Water Bailiff, to protect the Oyster Fishery of [*name the Fishery*], pursuant to the Act of Victoria, Chapter , intituled ; and the said *D.E.* of [*name the Place of his Residence*] is hereby authorized to do all lawful Acts as such Water Bailiff, according to the Provisions of the said Act.

(Signed) *A.B.*

To all whom it may concern.

Form of Approval of Appointment of Water Bailiff.

We, the undersigned Magistrates assembled in Petty Sessions at this Day of , A.D. 18 , do hereby approve of the above Appointment of as Water Bailiff for the said Oyster Fishery [*name the Fishery*]. In witness whereof we hereunto subscribe our Names.

A. B. J. P.

C. D. J. P.

Sea Coast Fisheries (Ireland).

A

B I L L

To amend the Law of Ireland as to the Sea Coast Fisheries.

(*Prepared and brought in by Mr. Blake and Dr. Brady.*)

Ordered, by The House of Commons, *to be Printed,* 8 *May* 1866.

[Bill 147.]

Under 3 *oz.*

A

B I L L

TO

Amend certain Provisions of the Sheriff Court Houses (Scotland) Act, 1860.

WHEREAS it is provided by the Eighteenth Section of "The Sheriff Court Houses (Scotland) Act, 1860," that in case any Court House or any Part thereof, not being the Property of private Parties or of the Magistrates and Council of the Burgh in which it is situate, shall cease to be used as such in consequence of other Accommodation having been provided under this Act, the Commissioners of Supply may sell the same for such Price as they may obtain therefor and convey the same to the Purchaser: Provided always, that when the Building so discontinued forms Part of any Building used for other Purposes, the First Offer of the same shall be made to the Parties having Right to the other Parts of the Building, at such Price as may be agreed on, or in case of Disagreement as may be fixed by Valuators appointed by the Sheriff of the County: Provided also, that the Price received shall be applied to the Purposes for which an Assessment is authorized by this Act, and in diminution pro tanto of the Sum so to be levied: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 23 & 24 Vict. c. 79. s. 18.

1. When

Application of Price of Court Houses ceasing to be used.

1. When any such Court House or Part thereof has been sold, the Price received shall be applied in the first instance towards the total Cost of any new Court House which may be erected under the Provisions of the said Act, and the Sums to be provided for by Assessment or by Contribution from the Commissioners of Her Majesty's Treasury towards the building of any such new Court House shall be calculated after deducting from the total Estimate the Price of any such Court House or Property which may have been sold.

Sheriff Court Houses (Scotland) Act (1860) Amendment.

A

BILL

To amend certain Provisions of the Sheriff Court Houses (Scotland) Act, 1860.

(*Prepared and brought in by The Lord Advocate and Mr. Adams.*)

Ordered, by The House of Commons, *to be Printed,* 8 *March* 1866.

[Bill 56.]

Under 1 *oz.*

A

B I L L

TO

Make further Provision for the Performance of the Duties of Solicitor for the Affairs of Her Majesty's Treasury.

WHEREAS in the event of the Illness or Absence of the Solicitor for the Affairs of Her Majesty's Treasury, it is expedient to provide for the Performance of Duties imposed on him by certain Acts of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. Whenever it appears to the Commissioners of the Treasury that by reason of the Illness or Absence of the Solicitor of the Treasury it is desirable that Provision should be made for the Performance of all or any of such Duties by the Assistant Solicitor, it shall be lawful for the said Commissioners by Warrant from Time to Time to prescribe that for a Time to be limited in such Warrant the Assistant Solicitor shall be and be deemed to be substituted for the Solicitor of the Treasury; and upon such Warrant being issued the Assistant Solicitor shall for the Time limited in the Warrant Assistant Solicitor may be substituted for Solicitor of Treasury by Warrant of Treasury.

Warrant be in the same Position in all respects as if a Vacancy had occurred in the Office of Solicitor and he had been duly appointed to fill such Vacancy: Provided,

First. That upon the Determination of the Time limited by the Warrant the Assistant Solicitor shall be deemed to have vacated the Office of Solicitor and to have been succeeded by the Person for the Time being actually filling that Office.

Secondly. That when any Instrument is required to be signed, or any Act to be done by both the Solicitor and the Assistant Solicitor, in such Case the Signature of the Assistant Solicitor on Behalf of the Solicitor shall be as valid as if it were the Signature of the Solicitor, and any Act done by the Assistant Solicitor alone shall be as valid as if the Solicitor had concurred in that Act.

Vesting of certain Stocks.

2. And whereas certain Amounts of Stock and Annuities are now and may hereafter be standing in the Books of the Governor and Company of the Bank of England in the Names of Henry Revell Reynolds and John Greenwood, the now Solicitor and Assistant Solicitor respectively of Her Majesty's Treasury, and the Dividends accruing from such Stock and Annuities have been and may hereafter be paid into a General Account at the Bank of England in the Names of such Solicitor and Assistant Solicitor, and other Sums have been and may hereafter be paid into the same Account. Be it enacted, That such Account shall be deemed to be a Public Account, and upon the Death, Resignation, or Removal of both or either of them the said Solicitor and Assistant Solicitor for the Time being, and upon the Appointment of their or his Successors or Successor, the Stock and Annuities standing in every such Stock Account shall vest in the then Solicitor and Assistant Solicitor jointly; and when and so long as the Office of One only of them the Solicitor and Assistant Solicitor shall be vacant, the said Stock and Annuities shall vest in the other of them without any actual Transfer or other Act. And it shall be lawful for the Commissioners of Her Majesty's Treasury, in the event of the occasional Absence of the Solicitor or Assistant Solicitor, to direct (such Direction being signified by Letter under the Hand of the Secretary or Assistant Secretary of the Treasury) that the Drafts and Signatures of the Assistant Solicitor alone, or of the Solicitor alone (as the Case may be), shall be in all respects equivalent to the Signature of both, and in such Case the Draft or Signature of either of them shall be a full Warrant and Discharge for such Purpose to the said Governor and Company of the Bank of England.

Solicitor to the Treasury.

A

B I L L

To make further Provision for the Performance of the Duties of Solicitor for the Affairs of Her Majesty's Treasury.

(*Prepared and brought in by Mr. Childers and Mr. Brand.*)

Ordered, by The House of Commons, *to be Printed* 10 *May* 1866.

[Bill 152.]

Under 1 *oz.*

A

BILL

TO

Amend the Acts relating to the Standard Weights and Measures and to the Standard Trial Pieces of the Coin of the Realm.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Transfer to Board of Trade of Custody of Imperial Standards of Weights and Measures, &c.

1. The Custody of the Imperial Standards of Length and of Weight, and of all Secondary Standards of Weights and Measures, and of all Balances, Apparatus, Books, Documents, and Things used in connexion therewith or relating thereto, deposited in the Office of the Exchequer at Westminster, or in the Custody of the Comptroller General of the Exchequer, shall be and the same is hereby transferred to the Board of Trade, who shall have the Charge thereof, and shall have and perform all such Powers and Duties relative thereto, or otherwise relative to Standards of Weights and Measures, as are at the passing of this Act by Law vested in or imposed on the Commissioners of Her Majesty's Treasury, or in or on the Comptroller General of the Exchequer; and all Things done

by the Board of Trade or any of their Officers, or at their Office, in relation to Standards of Weights and Measures, in pursuance of this Act, shall be as valid and shall have the like Effect and Consequences as if the same had been done by the Commissioners of Her Majesty's Treasury, or by the Comptroller General or other Officer of the Exchequer, or at the Office of the Exchequer.

Periodical Comparison of Imperial Standards and Three of the Parliamentary Copies.

2. The Board of Trade shall once in every *Ten Years* after the passing of this Act cause the Three Parliamentary Copies of the Imperial Standards of Length and of Weight deposited at the Royal Mint, with the Royal Society of London, and in the Royal Observatory of Greenwich, respectively, to be compared with the Imperial Standards of Length and of Weight and with each other.

Working Secondary Standards to be called Board of Trade Standards.

3. The Secondary Standards of Length and of Weight and of Capacity, which before the passing of this Act have been in use in the Office of the Exchequer at Westminster, and have been known as the Exchequer Standards, and all legal Secondary Standards for the Time being in use under the Direction of the Board of Trade in pursuance of this Act, shall be called the Board of Trade Standards.

Periodical Comparison of Board of Trade Standards and Imperial Standards.

4. As soon as conveniently may be after *the passing of this Act*, and afterwards *once* at least in every *Five Years*, the Board of Trade shall cause the Board of Trade Standards for the Time being in use to be compared with the Imperial Standards of Length and of Weight and with each other, and to be adjusted or renewed, if requisite.

Definition by Order in Council of Amount of Error to be tolerated.

5. It shall be lawful for Her Majesty in Council from Time to Time by Order in Council to define the Amount of Error to be tolerated in other Secondary Standards of Length and of Weight and of Capacity when compared with the Board of Trade Standards.

Discontinuance by Order in Council of a Board of Trade Standard.

6. It shall be lawful for Her Majesty in Council from Time to Time by Order in Council to declare that any legal Secondary Standard of Length or of Weight or of Capacity specified in such Order shall cease to be such a Standard.

Publication of Orders in Council.

7. All Orders in Council made under this Act, or made after the passing of this Act under any former Act relating to Standard Weights and Measures, shall be published in the London and Edinburgh and Dublin Gazettes, and laid before both Houses of Parliament.

8. From

Abolition of Stamp Duty and Fees.

8. From and after *the passing of this Act* an Indenture of Verification of any Standard, or any Indorsement on any such Indenture, shall not be liable to Stamp Duty, nor shall any Fee be payable on the Verification or Re-verification of any Standard.

Standard Weights and Measures Department of Board of Trade.

9. For the Purposes of this Act, the Board of Trade shall constitute a Department of their Office, to be called the Standard Weights and Measures Department of the Board of Trade, and shall appoint as Head of that Department an Officer to be styled the Warden of the Standards, and shall appoint and employ so many Clerks and Subordinate Officers, and at such Salaries, as the Commissioners of Her Majesty's Treasury from Time to Time approve.

Annual Report of Warden of Standards.

10. The Warden of the Standards shall every Year make a Report to the Board of Trade on the Proceedings and Business of the Standard Weights and Measures Department, which Report shall be laid before both Houses of Parliament.

Transfer to Treasury of Custody of Standard Trial Pieces for Coinage, &c.

11. The Custody of the Standard Trial Pieces of Gold, Silver, and Copper, used for determining the Justness of the Gold and Silver Coins of the Realm issued from the Royal Mint, and of all Books, Documents, and Things used in connexion therewith or relating thereto, deposited in the Office of the Exchequer at Westminster, or in the Custody of the Comptroller General of the Exchequer, shall be and the same is hereby transferred to the Commissioners of Her Majesty's Treasury, who shall have the Charge thereof, and shall have and perform all such Powers and Duties relative thereto as are at the passing of this Act by Law vested in or imposed on the Comptroller General of the Exchequer, and the same shall be deposited and kept in such Place or Places and in such Manner as the Commissioners of Her Majesty's Treasury from Time to Time by Warrant direct.

Repeal of Enactments in Schedule.

12. The Enactments described in the Schedule to this Act are hereby repealed.

Saving for Custody of Exchequer Records, &c.

13. Notwithstanding anything in this Act, all Books and Documents at the passing of this Act in the Custody of the Comptroller General of the Exchequer other than those in this Act expressly referred to shall remain and be in his Custody, and he shall have the Charge thereof, as if this Act had not been passed.

Short Title.

14. This Act may be cited as The Standards of Weights, Measures, and Coinage Act, 1866.

SCHEDULE.

Enactments Repealed.

5 Geo. 4. c. 74. - in part.	An Act for ascertaining and establishing Uniformity of Weights and Measures - - So much of Section Twelve as relates to Fees.	in part; namely,—
4 & 5 Will. 4. c. 15. in part.	An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster - Section Seven.	in part; namely,—
5 & 6 Will. 4. c. 63. in part.	An Act to repeal an Act of the Fourth and Fifth Year of His present Majesty, relating to Weights and Measures, and to make other Provisions instead thereof - - - So much of Section Five as relates to Fees.	in part; namely,—
22 & 23 Vict. c. 66. in part.	An Act for regulating Measures used in Sales of Gas - - - - - - So much of Section Six as relates to Fees.	in part; namely,—

Standards of Weights, Measures, and Coinage.

A

BILL

To amend the Acts relating to the Standard Weights and Measures and to the Standard Trial Pieces of the Coin of the Realm.

(Prepared and brought in by Mr. Childers and Mr. Milner Gibson.)

Ordered, by The House of Commons, *to be Printed,* 28 *May* 1866.

[Bill 166.] *Under* 1 *oz.*

A

B I L L

TO

Provide for the Government of the "Straits Settlements."

WHEREAS the Islands and Territories known as the "Straits Settlements," namely, Prince of Wales' Island, the Island of Singapore, and the Town and Fort of Malacca and its Dependencies, were heretofore Part of the Territories in the Possession and under the Government of the East India Company, and became vested in Her Majesty as a Part of India by virtue and subject to the Provisions of the Act of the Twenty-second Year of Her Majesty, Chapter One hundred and six, intituled "An Act for the better Government of India:" And whereas it is expedient that the said Settlements and their Dependencies should cease to form Part of India, and should be placed under the Government of Her Majesty as Part of the Colonial Possessions of the Crown: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. It shall be lawful for Her Majesty, by Order to be by Her made with the Advice of Her Privy Council, to declare that this Act shall come into operation at a Time to be specified in such Order in Council, and at such Time the said Settlements shall cease to Straits Settlements shall cease to be Part of India.

to be Part of India for the Purposes and within the Meaning of the aforesaid Act, and it shall be further lawful for Her Majesty by any such Order to make Provision respecting the Enforcement by or against the Government of the said Settlements of all or any of such Debts, Claims, and Obligations as might if this Act had not passed have been enforced by or against the Government of India in connexion with the Administration of the said Settlements.

Queen in Council may make Laws, constitute Courts, &c.

2. From and after the coming into operation of this Act, it shall be lawful for Her Majesty, by Order or Orders to be by Her from Time to Time made, with the Advice of Her said Privy Council, to establish all such Laws, Institutions, and Ordinances, and to constitute such Courts and Officers, and to make such Provisions and Regulations for the Proceedings in such Courts, and for the Administration of Justice, and for the raising and Expenditure of the Public Revenue, as may be deemed advisable for the Peace, Order, and good Government of Her Majesty's Subjects and others within the said Settlements, or within any Territory which may at any Time be Part of or dependent upon the same, any Law, Statute, or Usage to the contrary in anywise notwithstanding.

Queen may delegate Her Powers and Authorities to resident Officers.

3. It shall be lawful for Her Majesty, from Time to Time, by any Letters Patent under the Great Seal of the United Kingdom, or by any Instructions under Her Majesty's Signet and Sign Manual, accompanying and referred to in any such Letters Patent, to delegate to any Three or more Persons within the said Settlements, or within any Part or Dependency thereof, the Powers and Authorities so vested in Her Majesty in Council as aforesaid, either in whole or in part, and upon, under, and subject to all such Conditions, Provisoes, and Limitations as by any such Letters Patent or Instructions as aforesaid Her Majesty shall see fit to prescribe: Provided always, that, notwithstanding any such Delegation of Authority as aforesaid, it shall still be competent to Her Majesty in Council, in manner aforesaid, to exercise all the Powers and Authorities so vested as aforesaid in Her Majesty in Council.

Existing Laws and Officers preserved.

4. Until otherwise provided by Her Majesty in Council, or by such Three or more Persons as aforesaid, all Laws or Regulations (except the aforesaid Act of Parliament) which, when this Act shall come into operation, shall be in force in the said Settlements and their Dependencies, and all Proceedings of any Court of Justice had or to be had therein, shall be and continue to be of the same Force and Effect, and all Judicial and other Officers who, when this Act shall

shall come into operation, shall be lawfully exercising their Offices in the said Settlements and their Dependencies, shall continue to have and exercise the same Functions and Authorities therein as if this Act had not been passed.

Straits Settlements.

A

BILL

To provide for the Government of the "Straits Settlements."

(*Prepared and brought in by Mr. Stansfeld and Mr. William Edward Forster.*)

Ordered, by The House of Commons, *to be Printed*, 4 *June* 1866.

[Bill 176.]

Under 1 *oz.*

Summary Procedure (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Interpretation of Terms; Sect. 1.

Justices or Magistrate, on Application of a Party aggrieved, to state a Case for the Opinion of Superior Courts; 2.

Security to be given by the Appellant; 3.

Justices or Magistrate may refuse a Case where they think the Application frivolous; 4.

If Case refused, the Lord Ordinary on the Bills may order a Case to be stated; 5.

Superior Court to determine Questions on the Case, without Appeal; 6.

Case may be sent back for Amendment; 7.

Powers of Superior Court may be exercised by a Judge at Chambers; 8.

After the Decision of Superior Court, Justices may issue Warrants; 9.

Suspension or Appeal not requisite for Proceedings under this Act; 10.

Superior Courts may make Rules for Proceedings; 11.

Enforcement of Bond of Caution by Summary Execution; 12.

Act to apply to Police Judges exercising cumulative Jurisdiction with Justices and Magistrates; 13.

Appellants under this Act not allowed to appeal to Quarter Sessions; 14.

Repeal of Part of 27 & 28 Vict. c. 53. s. 16.;—15.

Sheriffs trying Complaints under 27 & 28 Vict. c. 53. to note the Evidence; 16.

In certain Complaints before Justices or Magistrate, Notes of Evidence to be taken under 19 & 20 Vict. c. 48.;—17.

As to Review of Judgments of single Judge of Justiciary or Session; 18.

Repealing 28th Section of Summary Procedure Act, and defining what Cases are Criminal and what Civil; 19.

Act not to extend to certain Cases; 20.

SCHEDULES.

A

B I L L

TO

Improve the Administration of the Law as respects Summary Procedure before Justices of the Peace in Scotland, and to amend "The Summary Procedure Act, 1864."

WHEREAS by an Act passed in the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Forty-three, intituled "An Act to improve the Administration of the Law so far as respects Summary Proceedings before Justices of the Peace," Provision was made for obtaining the Opinion of a Superior Court on Questions of Law which arise in the Exercise of Summary Jurisdiction by Justices of the Peace in England and Ireland, and it is expedient that similar Provisions should be made in relation to the Jurisdiction of Justices of the Peace and Magistrates of Royal Burghs in Scotland: And whereas it is expedient to amend certain Provisions of "The Summary Procedure Act, 1864:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Interpretation of Terms.

1. In the Interpretation and for the Purposes of this Act "Court of Appeal" shall mean either Division of the Court of Session where the Appeal is from the Determination of Justices or a Justice of the Peace or Magistrate exercising Civil Jurisdiction, and shall mean the High Court of Justiciary or the Circuit Court of Justiciary for the District where the Jurisdiction is of a Criminal Nature.

Justices or Magistrate, on Application of a Party aggrieved, to state a Case for the Opinion of Superior Courts.

2. After the Hearing and Determination by Justices or Justice of the Peace or Magistrate of any Petition or Complaint which he or they have Power to determine in a summary Way by any Law now in force or hereafter to be made, either Party to the Proceeding before the said Justices or Justice or Magistrate may, if dissatisfied with the said Determination as being erroneous in point of Law, or on the Ground that Evidence has been incompetently admitted or rejected, apply in Writing, within Three Days after the same, to the said Justices or Justice or Magistrate, to state and sign a Case setting forth the Facts and the Grounds of such Determination, for the Opinion thereon of a Court of Appeal under this Act to be named by the Party applying; and such Party, herein-after called "the Appellant," shall, within Three Days after receiving such Case, transmit the same to the Court named in his Application, first giving Notice in Writing of such Appeal, with a Copy of the Case so stated and signed, to the other Party to the Proceeding in which the Determination was given, herein-after called "the Respondent."

Security to be given by the Appellant.

3. The Appellant at the Time of making such Application, and before a Case shall be stated and delivered to him by the Justices or Justice or Magistrate, shall in every Instance find Caution before such Justices or Justice, or any One or more of them, or Magistrate, or any other Justice or Magistrate exercising the same Jurisdiction, and in such Sum as to the Justices or Justice or Magistrate shall seem meet (with Power to him or them to restrict the same to Juratory Caution), for the Prosecution without Delay of such Appeal, and the Payment of such Costs as may be awarded therein; and the Appellant shall at the same Time, and before he shall be entitled to have the Case delivered to him, pay to the Clerk to the said Justices or Justice or Magistrate his Fees for and in respect of the Case and Bond of Caution, and any other Fees to which such Clerk shall be entitled, which Fees, except such as are already provided for by Law, shall be according to the Schedule to this Act annexed, marked (A.), until the same shall be ascertained, appointed, and regulated by the Court of Appeal under the Powers herein-after conferred; and the Appellant, if then in Custody, shall be liberated upon the Bond of Caution being further conditioned for his Appearance before the same Justices or Justice or Magistrate, or, if that is impracticable,

impracticable, before some other Justices or Justice or Magistrate exercising the same Jurisdiction who shall then be sitting, within Ten Days after the Judgment of the Court of Appeal shall have been given, to abide such Judgment, unless the Determination appealed against be reversed; and on the Case being signed by such Justices or Justice or Magistrate, and Caution found as aforesaid, the Execution of the Sentence shall be suspended: Provided always, that if the Appeal be not transmitted to the Court named in the Application, or within the Time limited by this Act, the Appeal shall stand dismissed, and the Sentence shall be put into immediate Execution.

Justices or Magistrate may refuse a Case where they think the Application frivolous.

4. If the Justices or Justice or Magistrate be of opinion that the Application is merely frivolous, but not otherwise, he or they may refuse to state a Case, and shall, on the Request of the Appellant, if such Request be made within Fourteen Days after the Determination of the said Justice or Justices or Magistrate, sign and deliver to him a Certificate of such Refusal; provided that the Justices or Justice or Magistrate shall not refuse to state a Case where Application for that Purpose is made to them by or under the Direction of Her Majesty's Advocate, which Application may be made at any Time within Fourteen Days after the Determination of the said Justice or Justices or Magistrate.

If Case refused, the Lord Ordinary on the Bills may order a Case to be stated.

5. Where the Justices or Justice or Magistrate shall refuse to state a Case as aforesaid, it shall be lawful for the Appellant to apply to any Judge of the Court of Session or any Judge of the Court of Justiciary, according as the Case may be Civil or Criminal, by a written Note accompanied with an Affidavit of the Facts for an Order calling upon such Justices or Justice or Magistrate, and also upon the Respondent, to show Cause why such Case should not be stated; and the Lord Ordinary may make the same absolute, or discharge it, with or without Payment of Costs, in his Discretion, and his Deliverance shall be final; and the Justices or Justice or Magistrate, upon being served with such Order absolute, shall state a Case accordingly, upon the Appellant finding Caution as hereinbefore provided.

Superior Court to determine Questions on the Case, without Appeal.

6. The Court to which a Case is transmitted under this Act shall hear and determine the Question or Questions of Law arising thereon, and shall thereupon reverse, affirm, or amend the Determination in respect of which the Case has been stated, or remit the Matter to the Justices or Justice or Magistrate, with the Opinion of the Court thereon, or may make such other Order in relation to the Matter, and may make such Order as to Costs, as to the Court may

may seem fit; and all such Orders shall be final and conclusive on all Parties: Provided always, that no Justices or Justice or Magistrate who shall state and deliver a Case in pursuance of this Act shall be liable to any Costs in respect or by reason of such Appeal against his or their Determination.

Case may be sent back for Amendment.

7. The Court for the Opinion of which a Case is stated shall have Power, if they think fit, to cause the Case to be sent back for Amendment, and thereupon the same shall be amended accordingly, and Judgment shall be delivered after it shall have been amended.

Powers of Superior Court may be exercised by a Judge at Chambers.

8. The Authority and Jurisdiction hereby vested in the Court of Appeal for the Opinion of which a Case is stated under this Act shall and may (subject to any Rules and Orders of such Court in relation thereto) be exercised by any Judge of such Court in Vacation, and by the Court of Appeal at all other Times; and all Cases stated for the Opinion of the Court of Session shall be transmitted to One of the Principal Clerks of Session or his Assistant; and any Principal, Depute, or Assistant Clerk of Session may officiate as Clerk of Court at the hearing of such Cases on the Requisition of the Judge.

After the Decision of Superior Court, Justices may issue Warrants.

9. After the Decision of the Court of Appeal in relation to any Case stated for their Opinion under this Act, the Justices or Justice or Magistrate in relation to whose Determination the Case has been stated, or any other Justices or Justice or Magistrate exercising the same Jurisdiction, shall have the same Authority to enforce any Conviction or Order which may have been affirmed, amended, or made by such Court of Appeal, as the Justices or Justice or Magistrate who originally decided the Case would have had to enforce his or their Determination if the same had not been appealed against; and no Action or Proceeding whatsoever shall be commenced or had against the Justices or Justice or Magistrate for enforcing such Conviction or Order by reason of any Defect in the same respectively.

Suspension or Appeal not requisite for Proceedings under this Act.

10. No Note of Suspension or Appeal, or other Writ, shall be required for the Removal of any Conviction, Order, or other Determination in relation to which a Case is stated under this Act, or otherwise, for obtaining the Judgment or Determination of the Court of Appeal on such Case under this Act.

Superior Courts may make Rules for Proceedings.

11. The Courts of Session and Justiciary may from Time to Time, and as often as they shall see Occasion, by Act of Sederunt or Adjournal,

journal, make and alter Rules and Orders to regulate the Practice and Proceedings in reference to the Cases herein-before mentioned.

Enforcement of Bond of Caution by Summary Execution.

12. In all Cases where the Conditions, or any of them, in the said Bond of Caution mentioned, shall not have been complied with, the Justices or Justice or Magistrate who shall have taken the same, or any other Justices or Justice or Magistrate exercising the same Jurisdiction, shall certify upon such Bond of Caution in what respects the Conditions thereof have not been observed, and the Sum which the Respondent or his Cautioner is liable to pay in respect thereof, and shall, if required, and unless such Sum is instantly paid, grant Warrant for the Recovery thereof from the Respondent or his Cautioner, or either of them, by Arrestment, Poinding, and Imprisonment for a specified Term, which Warrant may be in the Form of the Warrant contained in the Form of Conviction, Number 6. of "The Summary Procedure Act, 1864."

Act to apply to Police Judges exercising cumulative Jurisdiction with Justices and Magistrates.

13. The Provisions of this Act shall be applicable to the Determination of any Judge of a Police Court in Scotland, trying any Petition or Complaint under the Authority of any General Act of Parliament by which Jurisdiction is given to Judges of Police cumulatively with Justices of the Peace and Magistrates of Royal Burghs in the Matter of such Petition or Complaint.

Appellants under this Act not allowed to appeal to Quarter Sessions.

14. Any Person who shall appeal under the Provisions of this Act against any Determination of Justices or a Justice of the Peace or Magistrate from which he is by Law entitled to appeal to the Quarter Sessions, shall be taken to have abandoned such last-mentioned Right of Appeal, finally and conclusively, and to all Intents and Purposes.

Repeal of Part of 27 & 28 Vict. c. 53. s. 16.

15. So much of the Sixteenth Section of "The Summary Procedure Act, 1864," as provides that it shall not be necessary in any Proceeding under the Authority of that Act to preserve a Note of the Evidence adduced thereon, is hereby repealed.

Sheriffs trying Complaints under 27 & 28 Vict. c. 53. to note the Evidence.

16. In all Proceedings by Complaint in the Form provided in "The Summary Procedure Act, 1864," before the Sheriffs of Counties in Scotland, the Sheriff trying such Complaint shall preserve a Note of the Evidence taken by him on such Trial, and shall exhibit the same, or a certified Copy thereof, in case the same should be called for by the Court of Justiciary or the Court of Session.

In certain Complaints before Justices or Magistrate, Notes of Evidence to be taken under 19 & 20 Vict. c. 48.

17. In all Proceedings by Complaint in the Form provided by "The Summary Procedure Act, 1864," before Justices or a Justice of the Peace or Magistrate, the Evidence shall be noted by the Justice or Magistrate or his Clerk, unless in Complaints which such Justices, Justice, or Magistrate are or may be authorized to try by any Special Statute, or where the Statute expressly provides that the Evidence shall not be reduced to Writing or noted, in which Case it shall not be necessary to preserve a Note of the Evidence adduced in any Complaint under "The Summary Procedure Act, 1864," before any Justices, Justice, or Magistrate in Scotland.

As to Review of Judgments of single Judge of Justiciary or Session.

18. It shall not be competent for the High Court of Justiciary to review the Judgment of a Judge of said Court pronounced during Vacation; but it shall be competent to either Division of the Court of Session to review the Judgment of any Judge of the Court of Session who gave such his pronounced Judgment in any Cause during Vacation.

Repealing 28th Section of Summary Procedure Act, and defining what Cases are Criminal and what Civil.

19. The Twenty-eighth Section of "The Summary Procedure Act, 1864," is hereby repealed, and in lieu thereof it is hereby enacted, that all Complaints instituted in Scotland in virtue of Statutes authorizing Convictions for Offences shall be deemed and taken to be Criminal, to all Intents and Purposes, where the Justices or Justice or Magistrate shall be authorized by the Statute, upon Conviction of the Offender, first, at once to pronounce a Sentence of Imprisonment, or, secondly, to pronounce, in his Option, a Sentence of Imprisonment, or to impose a Fine or Penalty; and that all other Cases shall be deemed to be Civil to all Intents and Purposes.

Act not to extend to certain Cases.

20. Nothing in this Act shall extend or be construed to extend to any Warrant or Order for the Removal of any poor Person who is or shall become chargeable to any Parish or District, nor to any Information or Complaint or other Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue, or under or by virtue of any Statutory Provision for the Recovery of any Rate, Tax, or Impost whatsoever,

SCHEDULE (A.)

FEES TO BE TAKEN BY CLERKS TO JUSTICES AND MAGISTRATES.

	£	*s.*	*d.*
For drawing Case and Copy, where the Case does not exceed Five Sheets of Ninety Words each - -	0	10	0
Where the Case exceeds Five Sheets, then for every additional Sheet - - - - -	0	1	0
For the Bond of Caution to be taken in pursuance of this Act - - - - - -	0	5	0
For Certificate of Refusal of Case - - -	0	2	0

FEES TO BE TAKEN IN COURT OF SESSION AND IN HIGH COURT AND CIRCUIT COURT OF JUSTICIARY.

Summary Procedure (Scotland).

A

BILL

To improve the Administration of the Law as respects Summary Procedure before Justices of the Peace in Scotland, and to amend "The Summary Procedure Act, 1864."

(Prepared and brought in by The Lord Advocate, Mr. Solicitor General for Scotland, and Sir George Grey.

Ordered, by The House of Commons, *to be Printed*, 12 *March* 1866.

[Bill 64.]

Under 2 *oz.*

Superannuations (Officers, Metropolitan Vestries, and District Boards).

A

BILL

TO

Provide for Superannuation Allowances to Officers of Vestries and District Boards within the Area of the Metropolis Local Management Act.

Preamble.

WHEREAS it is expedient that Provision should be made to enable Superannuation Allowances to be granted to Officers of Vestries of any Parish and District Boards of any District within the Metropolis who become disabled by Infirmity or Age to discharge the Duties of their Offices:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Vestries and District Boards may grant Superannuation Allowances to Officers in certain Cases.

1. The Vestry of any Parish and District Board of any District within the Metropolis may, at their Discretion, grant to any Officer in their Service who shall become incapable of discharging the Duties of his Office with Efficiency, by reason of permanent Infirmity of Mind or Body, or of old Age, upon his resigning or otherwise ceasing to hold his Office, an annual Allowance not exceeding in any Case *Two Thirds* of his then Salary, and shall charge such Allowance to the same Fund as that to which such Salary would have been charged if he had continued in his Office.

2. This

Allowances not to be assignable for Debts, &c.

2. This Allowance shall be payable to or in trust for such Officer only, and shall not be assignable for nor chargeable with his Debts or other Liabilities.

Limitation of Grant of Allowances.

3. No Officer shall be entitled to such Allowance on the Ground of Age who shall not have completed the full Age of *Sixty* Years and been an Officer *Twenty* Years at the least of the Vestry or District Board hereby authorized to grant such Allowance.

Notice of Grant to be given.

4. No Grant shall be made without *One Month's* previous Notice, to be specially given in Writing to every Member of the Vestry or District Board, of the Proposal to make such Grant, and the Time when it shall be brought forward.

Interpretation.

5. In the Construction of this Act the Term "Metropolis" shall have the same Interpretation as in the Metropolis Management Act, 1855, and Metropolis Management Amendment Act, 1862.

Superannuations (Officers, Metropolitan Vestries, and District Boards).

A

BILL

To provide for Superannuation Allowances to Officers of Vestries and District Boards within the Area of the Metropolis Local Management Act.

(*Prepared and brought in by Mr. Harvey Lewis and Mr. Chambers.*)

Ordered, by The House of Commons, *to be Printed*, 6 *March* 1866.

[Bill 52.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Provide for Superannuation Allowances to Officers of Vestries and District Boards within the Area of the Metropolis Local Management Act.

WHEREAS it is expedient that Provision should be made to enable Superannuation Allowances to be granted to Officers of Vestries of any Parish and District Boards of any District and of other Parochial Bodies within the Metropolis who become disabled by Infirmity or Age to discharge the Duties of their Offices : Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. The Vestry of any Parish and District Board of any District or any other Parochial Body within the Metropolis, and also the Metropolitan Board of Works, may, at their Discretion, grant to any Officer in their Service who shall become incapable of discharging the Duties of his Office with Efficiency, by reason of permanent Infirmity of Mind or Body, or of old Age, upon his resigning or otherwise ceasing to hold his Office, an annual Allowance not exceeding Vestries and District Boards may grant Superannuation Allowances to Officers in certain Cases.

exceeding in any Case *Two Thirds* of his then Salary, regard being had to the Scale of Allowances herein-after contained, and shall charge such Allowance to the Fund or Funds to which such Salary would have been charged if he had continued in his Office: Provided always, that nothing in this Act contained shall affect the Powers contained in the Two hundred and thirteenth Section of "The Metropolis Management Act, 1855."

Allowances not to be assignable for Debts, &c.

2. This Allowance shall be payable to or in trust for such Officer only, and shall not be assignable for nor chargeable with his Debts or other Liabilities.

Limitation of Grant of Allowances.

3. No Officer shall be entitled to such Allowance on the Ground of Age who shall not have completed the full Age of *Sixty* Years and been an Officer *Twenty* Years.

Scale of Allowances.

4. Subject to the Provisions herein contained, the Allowance to be granted after the Commencement of this Act to Persons who shall have served in an established Capacity as Officers of the Vestry or District Board or other Parochial Body, whether their Remuneration be computed by weekly Wages, Poundage, or Percentage on Collection of Rates, or annual Salary, shall be as follows; (that is to say,)

To any Person who shall have served Ten Years and upwards, and under Eleven Years, an annual Allowance of Ten Sixtieths of the Salary and Emoluments of his Office;

And in like Manner an Addition of One Sixtieth in respect of each additional Year of such Service until the Completion of a Period of Service of Forty Years, when the annual Allowance of Forty Sixtieths may be granted; and no Addition shall be made in respect of any Service beyond Forty Years; but in computing the Time of an Officer's Service any Period during which such Officer shall have been in the Service of a Vestry, Board of Trustees, or other Parochial Board of the same Parish superseded by "The Metropolis Management Act, 1855," or of any Parish comprised in the District Board granting such Allowance, shall be included.

Power to increase Allowance.

5. When for the due and efficient Discharge of the Duties of any Office any Person shall have been or may be appointed thereto beyond the Age of Thirty Years, any Vestry or Board may, by Order, direct that when any Person now holding or who may hereafter be appointed to such Office shall retire from their Service, a Number of Years, not exceeding Ten, to be specified in the said Order, shall, in computing the Amount of Superannuation Allowance

ance which may be granted to him under this Act, be added to the Number of Years during which he may have actually served.

Power to grant Gratuities in case of Retirement before entitled to Superannuation Allowance.

6. Any Vestry or Board or other Parochial Body may grant to any Person who is compelled to quit their Service by reason of severe bodily Injury occasioned, without his own Default, in the Discharge of his public Duty, or from Infirmity of Mind or Body, before the Completion of the Period which would entitle him to a Superannuation Allowance, a Gratuity not exceeding Three Months Pay for every Two Years of Service.

Notice of Grant to be given.

7. No Grant shall be made without *One Month's* previous Notice, to be specially given in Writing to every Member of the Vestry or District Board, of the Proposal to make such Grant, and the Time when it shall be brought forward.

Interpretation.

8. In the Construction of this Act the Term "Metropolis" shall have the same Interpretation as in the Metropolis Management Act, 1855, and Metropolis Management Amendment Act, 1862; the Words "other Parochial Body" shall mean all Trustees, Overseers, and others who make the several Rates for the Purposes of the Vestry or the District Board of any District.

Superannuations (Officers, Metropolitan Vestries and District Boards).

A

BILL

[AS AMENDED IN COMMITTEE]

To provide for Superannuation Allowances to Officers of Vestries and District Boards within the Area of the Metropolis Local Management Act.

(*Prepared and brought in by Mr. Harvey Lewis and Mr. Chambers.*)

Ordered, by The House of Commons, *to be Printed*, 17 *April* 1866.

[Bill 108.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to amend The Telegraph Act, 1863.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Powers under 26 & 27 Vict. c. 112. s. 52. may be exercised by Lord Lieutenant of Ireland.

1. The Powers (except so far as relate to Compensation) vested in One of Her Majesty's Principal Secretaries of State by Section Fifty-two of The Telegraph Act, 1863, may be exercised in Ireland by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being, as well as by One of Her Majesty's Principal Secretaries of State, subject, with respect to Compensation and in all other respects, to the Provisions in that Section contained.

Alteration as to Ireland of Section 51 of Act.

2. Where the Powers of Section Fifty-two of the said Act are exercised by the Lord Lieutenant or other Chief Governor or Governors of Ireland, then and in every such Case, in Section Fifty-one of the same Act, the Lord Chief Justice of Her Majesty's Court of Common Pleas in Dublin shall be deemed to be substituted for the Lord Chief Justice of Her Majesty's Court of Common Pleas at Westminster.

3. The

Extension of Sects. 48–53 to all Companies.

3. The Provisions of the following Sections of the said Act, namely, Sections Forty-eight to Fifty-[illegible] (both inclusive), Section Fifty-two as amended by this Act, and Section Fifty-three, shall extend and apply to all incorporated Companies, existing or future, constituted with the Object of carrying on the Business of constructing, maintaining, or working Telegraphs, and to the Works of those Companies.

Short Title.

4. This Act may be cited as The Telegraph Act Amendment Act, 1866.

Telegraph Act Amendment.

A

B I L L

INTITULED

An Act to amend The Telegraph Act, 1863.

(*Brought from the Lords* 19 *February* 1866.)

Ordered, by The House of Commons, *to be Printed*, 19 *February* 1866.

[Bill 23.]

Under 1 *oz.*

A

B I L L

FURTHER

To amend the Law relating to the Tenure and Improvement of Land in Ireland.

WHEREAS it is expedient to amend the Provisions of "The Landed Property (*Ireland*) Improvement Act, 1860:" Preamble

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited for all Purposes as "The Landed Property (*Ireland*) Improvement Act, 1866." Short Title.

2. This Act shall apply to *Ireland* only. Extent of Act.

3. This Act shall come into operation on the *First Day of January One thousand eight hundred and sixty-seven.* Commencement of Act.

4. The Provisions of "The Landed Property (*Ireland*) Improvement Act, 1860," (save in so far as they are hereby amended or repealed) shall be deemed to be incorporated with this Act. The "Landed Property (Ireland) Improvement Act, 1860," as amended, to be incorporated with this Act.

Repeal of certain Provisions of Landed Property (Ireland) Improvement Act, 1860.

5 The Sections of "The Landed Property (*Ireland*) Improvement Act, 1860," enumerated in the Schedule to this Act annexed, are hereby repealed from and after the said *First Day of January One thousand eight hundred and sixty-seven:* Provided, however, that no Act done or Proceeding taken under any of the said Sections previous to said *First Day of January One thousand eight hundred and sixty-seven* shall be in any Manner affected or invalidated by such Repeal, but for the Purpose of every such Act or Proceeding the said Sections shall remain in full Force.

Interpretation of Terms.

6. The Expression "Lord Lieutenant in Council" shall mean the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being by and with the Advice of Her Majesty's Privy Council in Ireland.

PART I.—*Landlord's Improvements.*

Definition of Improvements.

7. The Word "Improvements," as defined in the First Part of the Landed Property (Ireland) Improvement Act, 1860, shall comprise the following Works as Landlord's Improvements under said Act and this Act, that is to say;

The building of a Mansion House and Offices, or the repairing or adding to a Mansion House or Offices, upon the Lands of a Limited Owner.

Definition of next collateral Successors.

8. The Term "next collateral Successor" shall mean the Person entitled under the Settlement to the Possession or Receipt of the Rents and Profits of the Land in defeasance or on the Determination of the Estates of the Limited Owner and of the Heirs of his Body; but when the next collateral Successor is a Minor or a Lunatic, or his Place of Abode is not known, or if for any Reason it is found difficult or impracticable to serve such next collateral Successor, the Term "next collateral Successor" shall mean such Person, if any, as the Landed Estates Court may substitute for the Purposes of this Act upon an Application for the Purpose to be made to the Court by the Limited Owner.

Previous Sanction of Landed Estates Court not necessary when next collateral Successor does not object.

9. The previous Sanction of a Judge of the Landed Estates Court shall not be required for Landlord's Improvements in any Case in which the next collateral Successor assents to the Improvements, or in which, if he objects, he does not, within One Month after the Receipt of Notice from the Limited Owner of the Improvements proposed to be executed, apply for an Injunction to the Landed Estates Court against any Charge being created in respect of the Improvements in favour of the Limited Owner.

10. Every

10. Every Limited Owner, as defined in Part I. of "The Landed Property (Ireland) Improvement Act, 1860," who lays out Money in making Landlord's Improvements, shall be entitled in respect of such Expenditure to be a Creditor on the Estate, and to be repaid such Expenditure, according to the Provisions and subject to the Limitations of this Act.

Limited Owner to be Creditor on the Estate for Expenditure in Landlord's Improvements.

11. Every Limited Owner who intends to lay out Money on such Improvements shall, *Three Months* at least before he begins to execute the same, give Notice in Writing to the next collateral Successor, if within Great Britain and Ireland, and if such next collateral Successor is not within Great Britain and Ireland to his nearest Male Relative by his Father, of lawful Age, or his known Agent or Attorney, of such his Intention, specifying in such Notice the Kind of Improvements intended, and the Parts of the Estate upon which the Improvements are intended to be made, and shall lodge a Copy thereof in the Landed Estates Court.

Limited Owner to give Three Months Notice to next collateral Successor.

12. Every Limited Owner who lays out Money in making such Improvements as aforesaid, with the Intent of being a Creditor on the Estate, shall annually, within *Four Months* after the Thirty-first Day of December of each Year, lodge in the Landed Estates Court an Account of the Money expended by him in such Improvements during the *Twelve Months* before such Thirty-first Day of December, subscribed by him or his known Agent, with proper Vouchers for the same, and verified by the Oath of himself or his known Agent before any Justice of the Peace, or Commissioner, or Master Extraordinary for taking Affidavits.

Accounts of Expenditure to be lodged annually in Landed Estates Court.

13. The Landed Estates Court shall record, in a Book to be kept for that Purpose, the Accounts and Vouchers and Copies of the Notices, and shall keep the Book open for all Persons desirous to see the same, and shall give certified Copies of or Extracts of all Accounts, Vouchers, and Copies of Notice recorded, upon Payment of such Fees as shall be from Time to Time fixed by the Landed Estates Court.

Landed Estates Court to record Accounts, and Record to be public.

14. Every Limited Owner expending Money in such Improvements as aforesaid, and complying with the Provisions of this Act, shall be entitled to an Annuity charged upon the Settled Estates of *Seven Pounds Two Shillings* for every One hundred Pounds of such Expenditure as appears by the Accounts so lodged and verified as aforesaid, and so in proportion for any less Sum, to commence from the First Day of January next succeeding the Lodgment of the Accounts, and to be payable for a *Term of Twenty-five Years* on each

Limited Owner to have Annuity of 7*l.* 2*s.* for each 100*l.* of Expenditure recorded.

each Anniversary of said Day to the Limited Owner, his Executors, Administrators, or Assigns.

If Persons succeeding object to charge Landed Estates, Court to deal with Objection.

15. Any Person succeeding to the Estates subject to such Charge, who objects to the Amount of such Charge ascertained as aforesaid, may, within *Six Months* after he succeeds, lodge an Objection to the Amount of such Charge in the Landed Estates Court, and thereupon the said Court shall have Power to deal with such Objection, and by Order to reduce or modify the Charge, and deal with the Costs of the Proceeding, as it thinks proper.

Registry of Charges.

16. Any Limited Owner may register his Charge by lodging from Time to Time with the proper Officer of the Office for the Registry of Deeds in Ireland, or of the Office for the Record of Titles, as the Case may be, an Affidavit stating the total Amount of the Expenditure as appearing in the Accounts lodged under this Act, and specifying the Settled Estate affected by such Charge, by Denomination, Barony, and County.

Registry of Order of Landed Estates Court.

17. If the Landed Estates Court shall make an Order at the Instance of the Successor, varying or modifying the Amount of the Annuity so charged as aforesaid, an attested Copy of such Order shall be lodged with the proper Officer of the Office for the Registry of Deeds in Ireland, or of the Office for the Record of Titles, as the Case may be.

Officers of Registry and Record Offices to register Charges, &c.

18. The proper Officers in the Office for the Registry of Deeds in Ireland, and in the Office for the Record of Titles, shall register the said Affidavits and Orders in the same Manner as Deeds are registered in the respective Offices, subject to the Payment of all such Fees as may be lawfully demanded.

When next collateral Successor objects Landed Estates Court may sanction or disallow Improvements.

19. When the next collateral Successor served with such Notice as aforesaid makes such Application to the Landed Estates Court as herein-before mentioned, the said Court may make such Inquiries as it thinks proper as to the Circumstances of the Estate, and the Improvements intended to be made therein, and may sanction or disallow in whole or in part the proposed Improvements, and fix the Amount of Expenditure to be allowed for or in respect of the same, and shall make an Order specifying the Improvements which it sanctions, and the Amount to be expended thereon.

Landed Estates Court may

20. The said Court, on being satisfied that such Order has been complied with, may make an Order charging the Estate with an Annuity

Annuity of *Seven Pounds Two Shillings* for every One hundred Pounds of the Expenditure made under such Order, and so in proportion for any less Sum, commencing from the Date of the Order, and to be payable for *Twenty-five Years* to the Limited Owner, his Executors, Administrators, and Assigns. make charging Order.

21. The Landed Estates Court, in all Cases where it has Jurisdiction, may cause such Advertisements to be given and Notices to be served as it thinks proper, and shall have full Discretion as to the Costs of all Proceedings before it. Landed Estates Court may order Advertisements and Notices.

22. The Successor or next collateral Successor, during the Progress of any Landlord's Improvements by a Limited Owner under this Act, shall have full Power by himself or by anybody authorized in Writing by him to inspect the same. Successors to have Right of Inspection of Improvements.

23. Every Annuity created by this Act shall have Priority as of its Date, and before the Estate of the immediate Successor to the Limited Owner, and before all Charges created in exercise of Powers of charging by such Successors, or otherwise, and before all subsequent Estates. Priority of Annuities.

PART II.—*Leasing Powers.*

24. Any Limited Owner, as defined in the Twenty-fourth Section of the said Act, shall have Power to grant Agricultural Leases, Improvement Leases, Building Leases (including under the Term "Building Leases" "Repairing Leases,"), for any Term of Years, absolute, or determinable at fixed Periods, subject to the following Restrictions: Power of limited Owner to lease.

(1.) No Improvement Lease or Building Lease under this Act shall be valid without the Service of Notice on the Successor as herein-after mentioned:

(2.) The Term of any Agricultural Lease shall not exceed *Thirty-one* Years, and of an Improvement Lease shall not exceed *Sixty-one* Years, and of a Building Lease shall not exceed *Ninety-nine* Years; but when a Judge of the Landed Estates Court shall be satisfied that it is beneficial for the Inheritance to grant Building Leases for a longer Term, he shall have Power to sanction a Building Lease for such longer Term as he shall direct:

(3.) Every Agricultural Lease shall imply the following Covenants on the Part of the Lessee:

(1.) To manage, till, and use the Lands demised in due and regular Course of good Husbandry, so that the same be not in anywise injured or deteriorated:

(2.) Not to burn or permit to be burned any Part of the Soil or Surface of the Lands demised, without the previous Consent in Writing of the Landlord:

(4.) Every Improvement Lease shall contain a Covenant on the Part of the Lessee—

To execute, at his own Expense, within a Time to be specified in such Lease, the Works defined to be Improvements under the Third Part of the said Act, which shall be specified in the Lease:

(5.) Every Lease, whether an Agricultural, Improvement, or Building Lease, shall take effect in possession, or within *One Year* after the Execution thereof, and not in Reversion, and there shall be reserved thereby the best yearly Rent, to be incidental to the immediate Reversion, that can reasonably be gotten, without taking anything in the Nature of a Fine, Premium, or Foregift, save as hereinafter excepted:

(6.) Every Lease, whether an Agricultural, Improvement, or Building Lease, shall imply a Condition of Re-entry for Nonpayment of the Rent thereby reserved, and a Covenant for the due Payment of the Rent reserved:

(7.) The Lessee or Lessees shall execute a Counterpart of every Lease, but the Execution of any Lease by the Lessor shall be deemed sufficient Evidence that a Counterpart of such Lease as required by this Act has been executed by the Lessee.

Provided, that in the Case of an Improvement Lease the best Rent shall be deemed to be the highest Rent that can reasonably be gotten, having regard to the Improvements covenanted to be made by the Lessee; and in the Case of such a Lease or of a Building Lease a Pepper-corn Rent or any smaller Rent than the Rent to be ultimately made payable may be reserved during all or any Part of the first *Five Years* of the Term granted by such Lease.

Notice to be served on Successor.

25. Before the making of any Building Lease or Improvement Lease under this Act, the Lessor shall serve a Notice of his Intention to make such Lease, with a Copy thereof, on the Successor (as defined in the Ninth Section of the said Act), who may, within *One Month* after the Receipt of such Notice, apply to the Landed Estates Court to restrain by its Order the making of such Lease; and on the Hearing of such Application the said Court may disapprove altogether, or may approve either with or without Modification, of the Lease proposed; but if the Court approve of the Lease it shall give its Sanction thereto by Order thereon, or in such

such other Manner as it thinks fit; and it may make such Order respecting the Costs of the Application as shall seem to it to be just.

PART III.—*Tenants Improvements.*

Application of Part of Act.

26. This Part of this Act shall apply only to Lands let for Agricultural Purposes.

"Tenant."

27. The Word "Tenant" as used in Part III. of The Landed Property (*Ireland*) Improvement Act, 1860, and in this Part of this Act, shall mean an occupying Tenant from Year to Year, or at Will, holding under any Contract or by Construction of Law, and every occupying Tenant holding under any Lease or Contract in Writing granted after the passing of this Act for any Term less than *Thirty-one Years*, or One or more Life or Lives, and shall include the Representatives or Assignees of such Tenant.

Tenant entitled to Compensation for Improvements.

28. Any Tenant of Lands may make such Improvements thereon as are mentioned in the 37th Section of "The Landed Property, (*Ireland*) Improvement Act, 1860;" and upon the Determination of the Tenancy by Effluxion of Time or by the Act of the Owner, the Tenant shall be entitled, save as herein-after excepted, by way of Compensation for his Outlay, to a Sum of Money equivalent to the Increase in the letting Value of the Land at such Determination of the Tenancy as aforesaid caused by such Improvements, such Sum to be ascertained and limited in manner herein-after mentioned.

Tenant not entitled to Compensation for Improvements which Owner may compel him to make or restrain him from making.

29. No Tenant shall be entitled to Compensation under this Act in respect of any Improvements which the Owner might have compelled him to make, or restrained him from making, in pursuance of any Contract in Writing regulating the Terms of the Tenancy.

Limitation of Compensation.

30. If any Tenant shall be permitted to remain in undisturbed Possession of his Farm or Holding for the Term of Forty-one Years after the making of any of the Improvements numbered 2 and 6 in the Thirty-seventh Section of "The Landed Property (*Ireland*) Improvement Act, 1860," he shall have no Claim for Compensation in respect of such Improvements; and in like Manner if any Tenant shall be permitted to remain in undisturbed Possession of his Farm or Holding for the Term of Thirty-one Years after the making of any of the Improvements numbered 1, 3, 4, and 5 in the said Section of the said Act, he shall have no Claim for Compensation in respect of such Improvements: Provided always,

always, that the Possession of a Tenant evicted for Nonpayment of Rent who shall in due Course redeem shall be deemed an undisturbed Possession within the Meaning of this Section.

Grant of a Lease of 31 Years or upwards to be in lieu of all Claims for Compensation.

31. If the Owner shall grant and the Tenant shall accept a Lease for the Term of *Thirty-one* or any greater Number of Years, such Lease shall be deemed a complete Satisfaction of all Claims for Improvements made by the Tenant; and if any Owner having Power to make a Lease for *Thirty-one* or any greater Number of Years shall notify in Writing to the Tenant that he is willing to make to him a Lease for the Term of *Thirty-one* or any greater Number of Years of his Farm or Holding, at the Rent at which the same is then held, with the ordinary Covenants between Landlord and Tenant, and if within *Three Months* after such Notice the Tenant shall not state to the Landlord in Writing his Willingness to accept such Lease, he shall be debarred from making any Claim for Improvements either then or afterwards made by him on his Farm or Holding.

On Possession being demanded from Tenant, or Tenant receiving Notice to quit, Tenant to claim Compensation.

32. When any Owner shall demand from the Tenant the Possession of any Lands, or shall serve the Tenant with any Notice to quit, the Tenant claiming Compensation for Improvements shall thereupon serve upon the Owner a Notice claiming such Compensation, and specifying the Nature and Date of the making of such Improvements, and the Amount to which he claims to be entitled for such Compensation.

In case of Disagreement Valuator to be appointed.

33. When any Claim for Compensation shall be made under this Act by the Tenant, and the Tenant and Owner fail to agree as to the Amount, the Commissioners of Public Works shall, at the Request of the Owner or Tenant, appoint a Valuator, who shall ascertain and award the Amount of such Compensation; and the Valuator shall have Power to make such Order as to the Payment of the Costs of such Valuation, and the Inquiry incidental thereto, and of the Award, (not greater in Amount than shall be certified by the said Commissioners,) by the Owner or Tenant, or both, as to him shall seem to be just.

Valuator may call for Documents and examine on Oath.

34. The Valuator so appointed may call for the Production of any Documents in the Possession or Power of the Owner or Tenant which he may think necessary for determining any Question or Matter to be determined by him under this Act, and may examine the Owner and Tenant, and their Witnesses on Oath, and administer the Oaths necessary for that Purpose.

35. Before

Valuator to make Declaration.

35. Before any Valuator shall enter on any Inquiry he shall, in the Presence of a Justice of the Peace, make and subscribe the following Declaration; that is to say,

'I *A.B.* do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Provisions of "The Landed Property (*Ireland*) Improvement Act, 1866."

'Made and subscribed in the Presence of .'

And such Declaration shall be annexed to each Order or Award made by him; and if any Valuator having made such Declaration wilfully acts contrary thereto he shall be guilty of a Misdemeanor.

In case of Deterioration or Diminution of Value, Amount of Compensation to be reduced.

36. In making the said Valuation and Award the Valuator shall take into account any Deterioration or Diminution of the Value of the Lands, or any Buildings thereon, caused by bad Cultivation or Neglect or Default of the Tenant, and shall reduce the Amount of Compensation accordingly.

Amount of Compensation.

37. The Valuator shall award such Sum for Compensation as shall be equivalent to the Increase in the letting Value of the Land at the Time of making such Valuation caused by such Improvements: Provided that such Compensation shall not in any Case exceed a Sum equivalent to *Five Pounds* per Acre for each Statute Acre in the Farm or Holding.

Notice of Award.

38. The Valuator shall specify in his Order or Award the Name of the Lands comprised in the Tenant's Farm or Holding, and the Barony and County in which the same are situate, and the Names of the Tenant and Owner, and shall, either at the Time of making his Order or Award or within *Forty-eight* Hours afterwards, give Notice to the Owner and Tenant thereof, and within the same Period shall lodge the Original of his Order or Award in the Office of the Commissioners of Public Works.

Appeal.

39. It shall be lawful for the Owner or Tenant, in case he shall be dissatisfied with the Award of the Valuator, to appeal to the Chairman of the County in which such Lands, or the greater Part thereof, are situate, or, if such Chairman be himself either Owner or Tenant, to the Chairman of any adjoining County, giving to the opposite Party Ten Days Notice of his Intention to appeal; and such Appeal shall be brought and preferred at the next Quarter Session holden for the District in which said Lands or such Part of them as aforesaid are situated, unless a shorter Period than Twenty Days shall intervene between the Notice of the making of the Award and the holding of such Sessions, in which Case the Appeal shall be brought to the next

subsequent Sessions; and such Appeal shall be heard and determined by the said Chairman without a Jury, and he shall have Power to hear such Evidence as may be brought before him, and thereupon to confirm, or vary such Award, and to make such Order as to Costs as to him shall seem just, and the Decision of the Chairman shall be final and conclusive; and any Order made for Costs by either the Valuator or the Chairman shall be enforceable as an ordinary Civil Bill Decree.

Lodgment of Award, when varied on Appeal.

40. In case any such Order or Award shall be varied on Appeal, the Party in whose Favour such Variation shall be made shall within *One Month* after the Date of the Chairman's Order lodge in the Office of the Commissioners of Public Works a Copy of the Chairman's Order certified by the Clerk of the Peace, which said Copy shall in the said Office be annexed to the original Order or Award.

Custody and Inspection of Awards.

41. The Order or Award, and the certified Copy of the Chairman's Order on Appeal, shall be kept in the said Office of the Commissioners of Public Works, and be open to the Inspection of the Public on Payment of a Fee not greater than *One Shilling* for each Order or Award, at such Hour and in such Manner as may be directed by any Rules which the Lord Lieutenant in Council may make.

Compensation to be a Set-off against any Claim for Rent.

42. The Amount of such Compensation shall be set off against any Claim for Rent, and the Tenant shall be entitled to retain the Possession of the Land upon the Terms of his Tenancy, until the Amount of such Compensation, after deducting thereout any Rent due, shall be paid or secured to the Satisfaction of the Tenant.

Value of Charge.

43. Any Limited Owner who shall pay to his Tenant the Compensation so awarded shall have a Charge, as of the Date of Payment, upon the Fee Simple of the Lands comprised in such Tenancy, equivalent to the Amount so paid by him, with *Five per Centum* Interest until discharged; or if he make a Lease of the same Lands, such Lease shall not be invalid by reason of the Owner taking from the Tenant or succeeding Tenant the Amount so paid by him as a Fine.

Power for Limited Owner to agree as to Tenant's Improvements.

44. A Limited Owner may make an Agreement with a Tenant for the Execution of any of the Tenant's Improvements under the said Act of 1860 or this Act, and for securing him Compensation therefor; and if such Compensation does not exceed the Limits of Compensation provided by this Act, such Agreement, if bonâ fide

fide made for the Purposes of this Act, shall be binding upon those who succeed to the Estate of the Limited Owner.

Proceedings of Successor in case of Dispute as to Compensation under Agreements.

45. Any Successor against whom a Claim is preferred under any such Agreement may apply to the Chairman of the County in which the Lands are situate to set aside such Agreement on account of its not having been bonâ fide made, and in case there shall be any Dispute as to whether such Agreement has been bonâ fide executed by the Tenant, or as to the Amount of Compensation which should be paid thereunder, the Claim for Compensation shall be determined in like Manner, as near as the Circumstances will allow, as other Claims for Compensation for Tenants Improvements under this Act.

All Agreements to be recorded in the Office of the Clerk of the Peace within Six Months.

46. All such Agreements shall be recorded within *Six Months* after they are made in the Office of the Clerk of the Peace of the County in which the said Lands are situate, or within such further Time as the Chairman of the County may under special Circumstances allow, and shall in default of such Registration not be binding upon the Successor.

Part IV.—*Distress.*

Distress.

47. From and after the Commencement of this Act it shall not be lawful for any Landlord to make any Distress for Rent unless the Land shall be held by a Lease or written Agreement regulating the Terms of the Tenancy, and giving a Right of Distress to the Landlord.

SCHEDULE

Showing the Sections of "The Landed Property (*Ireland*) Improvement Act, 1860," which are repealed by this Act."

Sections 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 22, 25, 26, 27, 34, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54.

Tenure and Improvement of Land (Ireland).

A

BILL

Further to amend the Law relating to the Tenure and Improvement of Land in Ireland.

(*Prepared and brought in by Mr. Chichester Fortescue, Mr. Attorney General for Ireland, and Mr. Solicitor for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 30 *April* 1866.

[Bill 130.]

Under 2 *oz.*

A

B I L L

TO

Provide for the Creation of certain Terminable Annuities.

WHEREAS it is expedient to make further Provision for the gradual Reduction of the National Debt: And whereas by an Act passed in the Twenty-sixth Year of Her present Majesty, Chapter Twenty-five, it was enacted, that in place of certain Capital Stocks of Annuities standing in the Names of the Commissioners for the Reduction of the National Debt for Savings Banks, and by the said Act cancelled, a Charge should be created and be written into the Books of Her Majesty's Treasury, and at the Receipt of the Exchequer, for Savings Banks, of Twenty-four million Pounds Sterling, bearing Interest at Three Pounds per Centum per Annum, payable out of the Consolidated Fund: And whereas it is expedient for such Purpose to convert the said Sum of Twenty-four million Pounds and the Interest payable thereon into an equivalent Annuity for a Term of Years, and also to provide that the Amounts which will be payable to the Commissioners for the Reduction of the National Debt on account of such Annuity shall in like Manner be applied to the Creation of further Terminable Annuities from Time to Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this Preamble.

this present Parliament assembled, and by the Authority of the same:

Charge of 24,000,000*l.* on Consolidated Fund to be cancelled and Terminable Annuity created.

1. The Commissioners of Her Majesty's Treasury may, by Warrant under their Hands, order and direct that the said Charge of Twenty-four million Pounds on the Consolidated Fund shall be cancelled in the Books of the Treasury and in the Books of the Exchequer; and upon the Issue of such Warrant such Charge shall be so cancelled accordingly, and all Interest thereupon shall thenceforth cease to be payable, and in place of such Charge and the annual Interest thereon, the Commissioners of Her Majesty's Treasury shall by such Warrant create for Savings Banks a Terminable Annuity for such Number of Years not less than *Eighteen* and not exceeding *Twenty* as shall to the said Commissioners appear to be expedient.

Perpetual Annuities to be purchased.

2. The Commissioners for the Reduction of the National Debt may apply from Time to Time any Parts of the said Terminable Annuity, and of any other Terminable Annuities created under the Authority of this Act which shall not be required to pay the Demands of the Trustees of Savings Banks, in the Purchase of Capital Stocks of Perpetual Annuities to be held for Savings Banks.

Perpetual Annuities to be cancelled, and further Terminable Annuities created.

3. The Capital Stocks of Perpetual Annuities held by the said Commissioners under the Authority of this Act may from Time to Time be cancelled by Warrants of the Commissioners of Her Majesty's Treasury, and such Warrants shall create equivalent Terminable Annuities in lieu thereof not extending in any Case beyond the *Fifth Day of April One thousand nine hundred and five.*

Payable out of Consolidated Annuities.

4. The Terminable Annuities created by Authority of this Act shall be charged upon the Consolidated Fund, and shall be payable to the Commissioners for the Reduction of the National Debt out of the said Consolidated Fund, or out of the growing Produce thereof, at such *quarterly* or *half-yearly* Periods as shall be fixed by the Warrants creating such Annuities.

Power to create Terminable Annuities to extend to 5th April 1885.

5. The Power to create Terminable Annuities under this Act shall subsist until the *Fifth Day of April One thousand eight hundred and eighty-five*, unless it shall sooner determine by Authority of Parliament.

Amount of Terminable Annuities to be granted to be certi-

6. The Amount of the said equivalent Terminable Annuities so to be granted shall be certified to the said Commissioners of the Treasury under the Hands of the Comptroller General or Assistant Comptroller, and of the Actuary of the National Debt Office acting under

under the said Commissioners for the Reduction of the National Debt, and shall be ascertained according to the Tables for the Time being in force in relation to the Grant of Annuities by the said Commissioners under the Act of the Tenth Year of King George the Fourth, Chapter Twenty-four.

fied by Comptroller General and Actuary of National Debt Office.

7. The Terminable Annuities created under the Authority of this Act shall be inscribed by the Governor and Company of the Bank of England in the Books of the said Governor and Company for the Commissioners for the Reduction of the National Debt for Savings Banks, and the Warrants of the Commissioners of Her Majesty's Treasury issued under the Authority of this Act shall be sufficient Authority to the said Governor and Company for inscribing such Annuities in the Books of the said Governor and Company for the said Commissioners, for the Fund for the Banks for Savings; and Copies of all such Warrants shall be laid before both Houses of Parliament, if Parliament shall be then sitting, within *Ten Days* from the Dates thereof, and if not sitting, within *Ten Days* from the next re-assembling of Parliament.

Terminable Annuities to be inscribed in Books of Bank of England.

Terminable Annuities.

A

BILL

To provide for the Creation of certain Terminable Annuities.

(*Prepared and brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Childers.*)

Ordered, by the House of Commons, *to be Printed*, 8 *May* 1866.

[Bill 144.]

Under 1 *oz.*

A

B I L L

TO

Provide for the Abolition of Religious Tests in connexion with Academical Degrees and Offices in the University of Oxford.

WHEREAS it is expedient that Provision should be made for enabling Her Majesty's Subjects to take Degrees other than Degrees in Divinity in the University of Oxford, and to hold Public Professorships, Readerships, and other Academical Offices which are or may be tenable by Laymen therein, without requiring from them Religious Tests: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. From and after the *passing of this Act*, no Person shall be required, upon taking or to enable him to take any Degree (other than a Degree in Divinity) within the said University of Oxford, or as a Condition of exercising or enjoying any of the Privileges and Rights which may heretofore have been or may hereafter be exercised and enjoyed by Graduates thereof, to subscribe any Article or Formulary of Faith, or to make any Declaration or take any Oath respecting his Religious Belief or Profession, or to conform to Persons taking Lay Academical Degrees not to be required to take any Religious Oath or subscribe any Formulary of Faith.

to any Religious Observance, anything in the Forty-fourth Section in the Act passed in the Session of Parliament held in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Eighty-one, or any other Act of Parliament or Statute of the said University, to the contrary notwithstanding: Provided always, that in case any such Degree shall be tendered as a Qualification for any Office now tenable only by a Member of the United Church of England and Ireland for which such Degree has heretofore constituted One of the necessary Qualifications, being other than an Office within the said University or any of the Colleges or Halls thereof, the Person or Persons appointing or electing to such Office shall require the Person so tendering such Degree as aforesaid to subscribe such Formularies or to make such Declaration as he would have been required to subscribe or make on taking the Degree of Master of Arts in the said University if this Act had not passed.

Proviso enabling Electors to any extra Academical Office to require the Subscriptions, &c. hereby abolished.

3. From and after the *passing of this Act*, no Person shall be required, as a Qualification for or as a Condition of holding any Public Professorship, Readership, or other Academical Office which is or may be tenable by a Layman within the said University, to subscribe any Article or Formulary of Faith, or to make any Declaration or take any Oath respecting his Religious Belief or Profession, or to conform to any Religious Observance, anything in the Eighth, Ninth, and Tenth Sections of an Act passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of King Charles the Second, Chapter Four, or in any other Act of Parliament or Statute of the said University, to the contrary notwithstanding.

Persons not to be required as a Qualification for Professorships and other Academical Offices in the University of Oxford to subscribe any Formulary, &c.

4. Provided always, That nothing in this Act contained shall be taken to apply to any Headship or Fellowship, or any Office of or in any College, House, or Hall within the said University, not being a Fellowship or other Endowment in such College, House, or Hall attached to some Public Professorship, Readership, or other Academical Office in the said University, and held by virtue thereof.

Proviso that this Act shall not apply to Professorships and Offices in Colleges or Halls.

Tests Abolition (Oxford).

A

BILL

To provide for the Abolition of Religious Tests in connexion with Academical Degrees and Offices in the University of Oxford.

(*Prepared and brought in by Mr. Coleridge and Mr. Grant Duff.*)

Ordered, by The House of Commons, *to be Printed,* 13 *February* 1866.

[Bill 15.]

Under 1 *oz.*

Thames Navigation Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

CLAUSES.

1. Short Title.
2. Interpretation.

Addition of Conservators.

3. Three additional Conservators to be elected.
4. Conservators under this Act added to existing Body.
5. Application of Conservancy Acts to additional Conservators.

Election of additional Conservators.

6. Constituencies for Election of additional Conservators.
7. Time for First Elections.
8. Time for subsequent Elections.
9. Days, Hours, and Places for Elections.
10. Regulations by Byelaws.
11. List of Electors.
12. Each Elector to have One Vote.
13. Qualification of Persons elected.
14. Votes to be given personally or by proxy.
15. Returning Officer, and Return by him.
16. Provision for Nondelivery of List.
17. Expenses to be paid by Conservators.
18. Mode of Publication of Notices, &c. by Conservators.

Rotation of additional Conservators.

19. Duration of Office of additional Conservators.

Vacancies.

20. Appointment by Conservators in case of Failure to elect.
21. Mode of supplying casual Vacancies.
22. Vacation of Office by Loss of Qualification.
23. Error in Elections not to vitiate Acts done.

Transfer of Works, &c., to Conservators.

24. Transfer of Works, Powers, &c., of Upper Navigation Commissioners to Conservators.
25. Upper Navigation Acts continued and applied to Conservators.

Discontinuance of Upper Navigation Commissioners.

26. Upper Navigation Commissioners discontinued.
27. Repeal of Parts of Upper Navigation Acts.
28. Recovery of Tolls, &c. due to Commissioners.
29. Deeds, Contracts, &c. continued in force.
30. Causes of Action, &c. preserved.
31. Actions not to abate.
32. Prosecution for Offences.
33. Completion of unexecuted Works.
34. Officers to be accountable for Books, &c.
35. Books to be Evidence.
36. Byelaws, &c. to remain in force.

Powers of Conservators.

37. Conservators to have Powers of Meetings, Committees, &c. of Commissioners.
38. Documents requiring Signatures to be sealed.
39. Transfer of Powers of Surveyor, &c.
40. Conservancy Acts extended to Upper Thames.
41. Byelaws to be made under Conservancy Acts.
42. Conservators to repair Dams, &c. in lieu of Mill Owners, &c.
43. Power for Conservators to regulate drawing down, &c. of Water.

Tolls.

44. Power to take Tolls for Vessels, &c.
45. Power to make Arrangements as to Tolls.
46. Abolition of Tolls of old Lock Owners.

Sewage.

47. Prohibition of sending Sewage into River where not so sent at passing of Act.
48. Notice for Discontinuance of existing Sewerage Works.
49. Penalty for Disregard of Notice.
50. Defences allowed to Person receiving Notice.
51. Power for Removal of Proceedings by Certiorari.
52. Right to prosecute to be in Conservators only.
53. Saving for other Remedies.

Borrowing

Borrowing Power.

54. Power to borrow on Mortgage of Tolls.
55. Incorporation of Part of Commissioners Clauses Act.
56. Power to borrow from Public Works Loan Commissioners.
57. Instalments or Sinking Fund.
58. Power to reborrow.
59. Power to mortgage Lands, &c.
60. Money borrowed under this Act to be First Charge.
61. Collateral Security on Conservancy Fund.

Commissioners Mortgage Debt.

62. Charge on Tolls of Commissioners Mortgage Debt.
63. Issue of postponed Mortgages.
64. Interest to be charged on Tolls, &c. only within each Year.
65. Priority of Instalments and Sinking Fund over Interest on existing Debt.
66. Extinguishment of Arrears of Interest on existing Debt.
67. Power for Conservators to redeem existing Debt.

Accounts.

68. Separate Accounts under this Act.

Application of Revenue and Capital.

69. Application of Revenue.
70. Application of Capital.

Colemouth Creek.

71. Conservancy of Colemouth Creek, &c., vested in Conservators.

Expenses of Act.

72. Conservators to pay Costs of Act.

SCHEDULE.

A

B I L L

FOR

Vesting in the Conservators of the River Thames the Conservancy of the Thames and Isis from Staines in the County of Middlesex to Cricklade in the County of Wilts, and also that of Colemouth Creek and Part of the Waters of the Medway in the County of Kent; and for other Purposes connected therewith.

WHEREAS the Preservation and Improvement of the Stream Bed and Banks of the upper Part of the Thames is an Object of great local and public Importance: Preamble.

And whereas by the Acts described in the First Schedule to this Act (to which Acts the Expression "the Upper Navigation Acts" where used in this Act refers, and which Acts, or some of them, are severally referred to in this Act by the respective short Descriptions in the same Schedule contained) certain Powers for the Maintenance and Improvement of the Navigation of the Thames from Staines in the County of Middlesex to Cricklade in the County of Wilts were vested in Commissioners (in this Act called the Upper Navigation Commissioners):

And whereas by the Upper Navigation Act of 1795 the following Persons are appointed the Upper Navigation Commissioners, namely,—

" The Representatives in Parliament for the Counties of Wilts, " Gloucester, Oxford, Berks, and Bucks, and for all Cities and " Towns within the same, and for the University of Oxford; " the Representatives in Parliament for the Counties of " Middlesex and Surrey, and for the Cities of London and " Westminster, and the Borough of Southwark; the Lord " Mayor and Aldermen of the City of London, the Vice- " Chancellor and Heads of Colleges and Halls in the Univer- " sity of Oxford, the Dean and Canons of Christ Church, the " Dean and Canons of Windsor, the Provost and Fellows of " Eton College, the Rectors and Incumbents of the several " Parishes that border upon the Thames and Isis on both " Sides from Staines to Cricklade; the Mayors and Recorders " of Oxford, Abingdon, Wallingford, Reading, Henley, " Maidenhead, and Windsor; the Senior Bridgewarden of " Great Marlow, and the Clerk of His Majesty's Board of " Works residing at Windsor Castle for the Time being; and " also every Person being seised in his own Right or in Right " of his Wife of Lands, Tenements, or Hereditaments, being " Freehold or Copyhold, of the Value of One hundred Pounds " per Annum in the Counties of Wilts, Gloucester, Oxford, " Berks, and Bucks, or being Heir Apparent of some Person " having such Estate of the clear yearly Value of Two " hundred Pounds; and every Person who does or shall " reside in either of the said Counties of Wilts, Gloucester, " Oxford, Berks, and Bucks being seised of Lands, Tene- " ments, or Hereditaments as aforesaid to the Value of One " hundred Pounds per Annum in Great Britain, or being Heir " Apparent of some Person having such Estate of the yearly " Value of Two hundred Pounds, or possessed of Personal " Estate to the Value of Three thousand Pounds, or being a " Holder of Loans on the said Navigation to the Amount of " Five hundred Pounds:"

And whereas the Upper Navigation Commissioners thus appointed are inconveniently numerous, and not being a Body Corporate they are ill-constituted and are individually exposed to Liabilities in respect of their Contracts and Acts, and their Powers are inadequate for the efficient Performance of the Duties assigned to them:

And whereas many of the Locks and Works under their Control are in a very bad and dangerous Condition, and in consequence thereof and of other Causes the Traffic on the Part of the Thames under

under their Authority and their Receipts from Tolls leviable in respect of that Traffic are greatly diminished, and their Income is and has long been insufficient to defray the necessary Expenses of the Repair and Maintenance of the Locks and Works, and they some Time ago discharged all or many of the Workmen employed by them and reduced the Salaries of their Officers:

And whereas if the Duties of the Conservancy of the upper Part of the Thames were efficiently performed, and the Locks and Works on the Navigation were restored and kept in good Order, and Tolls were levied on a moderate Scale and under convenient Regulations with respect to through booking of Goods and other Matters, the Traffic on the Navigation and the Income derivable therefrom would considerably increase:

And whereas the Conservancy of a Portion of the upper Part of the Thames above the Flow of the Tide, namely, from Teddington Lock in the County of Middlesex to Staines, is vested in the Conservators of the River Thames (to whom the Term "the Conservators" where used in this Act refers):

And whereas it is expedient, with a view both to Economy and to Efficiency, that the whole of the navigable Part of the Thames be placed under One Management, and that accordingly the Authority of the Upper Navigation Commissioners be discontinued, and the Conservancy of the Thames from Staines to Cricklade be vested in the Conservators with the Powers in this Act expressed or referred to, Provision being made for the Election and the Incorporation with the Conservators of Representatives of the Persons qualified to act as Commissioners under the Upper Navigation Acts:

And whereas certain Owners and Occupiers of Locks, Dams, and Weirs in the Upper Navigation are or claim to be entitled to demand and receive Tolls on the Traffic on the Navigation, and are subject to the Obligation of keeping in repair those Locks, Dams, and Weirs, and it is expedient that the Traffic be relieved from those Tolls, and that the Owners and Occupiers of those Locks, Dams, and Weirs be discharged from the Obligation of keeping them in repair:

And whereas certain Owners and Occupiers of Mills on the Banks of the Thames above Staines have or claim Rights of drawing off and otherwise interfering with the Water of the River, to the great Prejudice of the Navigation, and it is expedient that the Exercise of those Rights be restricted and regulated as in this Act provided:

And whereas certain Persons have or claim a Right or Privilege to fish with Nets or Bucks in Parts of the Thames above Staines and to draw down the Water of the River for that Purpose, to the

great Prejudice of the Navigation, and it is expedient that any Right of drawing down Water for that Purpose be abolished:

And whereas the Upper Navigation Commissioners have borrowed large Sums of Money under the Upper Navigation Acts on Mortgage Security, and there now remains due by them in respect thereof the Sum of Eighty-eight thousand Pounds or thereabouts, but the Income of the Commissioners is and has long been insufficient to keep down the Interest thereon, so that the Rate of Interest paid was for some Years gradually reduced until Payment of Interest ceased, and considerable Sums are now due by the Commissioners for Arrears of Interest:

And whereas it is expedient that the Mortgage Debt contracted by the Commissioners be postponed to any Mortgage Debt to be contracted by the Conservators, and that the Arrears of Interest aforesaid be extinguished, and that other Provisions be made respecting the Mortgage Debt contracted by the Commissioners as in this Act expressed:

And whereas it is expedient that the Conservancy of Colemouth Creek and of Part of the Waters of the Medway in the County of Kent be also vested in the Conservators:

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

1. This Act may be cited as The Thames Navigation Act, 1866.

Interpretation.

2. In this Act—

The Term "the Thames" or "the River" means (unless a different Meaning is expressed or implied) the River Thames or Rivers Thames and Isis from the City Stone near Staines to Cricklade:

The Term "the Conservancy Acts" means The Thames Conservancy Acts, 1857 and 1864:

Terms to which Meanings are assigned by the Conservancy Acts, or either of them, or which have therein special Meanings, have in this Act the same respective Meanings.

Addition of Conservators.

Three additional Conservators to be elected.

3. In addition to the existing Number of Eighteen Conservators of the River Thames constituting the Body Corporate of the Conservators,

servators, there shall be *Three* Conservators elected under this Act who shall (subject to the Provisions of this Act) severally have and be subject to all the same or the like Powers, Functions, Duties, Privileges, Obligations, Disabilities, and Disqualifications as the Eighteen Conservators aforesaid severally have or are subject to under the Conservancy Acts.

Conservators under this Act added to existing Body.

4. The *Three* Conservators for the Time being elected under this Act shall be added to and incorporated with the existing Body Corporate of the Conservators of the River Thames, and shall with the Eighteen Conservators aforesaid constitute and be One and the same Body Corporate in like Manner in all respects as if by the Conservancy Acts Provision had been made for the Election of the *Three* Conservators added by this Act and their Incorporation with and as Members of the Body Corporate constituted by The Thames Conservancy Act, 1857.

Application of Conservancy Acts to additional Conservators.

5. All the Provisions of the Conservancy Acts, or of any other Act relative to the Powers, Functions, Duties, Privileges, Obligations, or Proceedings of the Conservators as a Body, and all Acts and Proceedings done, taken, or pending by, against, or in relation to the Conservators as a Body, shall remain unaffected by the Addition to and Incorporation with that Body of the *Three* Conservators elected under this Act and (except only as is in this Act expressly otherwise provided) shall in all respects continue and be as if this Act had not been passed.

Election of additional Conservators.

Constituencies for Election of additional Conservators.

6. The Conservators added by this Act shall be elected by such Persons as for the Time being respectively possess some One or more of the Qualifications required for Upper Navigation Commissioners, and as before the passing of this Act have taken and subscribed the Oaths or Affirmations by the Upper Navigation Act of 1795 required to be taken and subscribed by them respectively so as to be authorized to act as Upper Navigation Commissioners if this Act had not been passed, or as after the passing of this Act make and sign at a Conservancy Meeting a Declaration of Qualification.

Time for First Elections.

7. On or within *Seven* Days after the *First Day of December One thousand eight hundred and sixty-six* Elections shall be held for the *Three* Conservators added by this Act.

Time for subsequent Elections.

8. On or within *Seven* Days after the *First Day of December* in the Year *One thousand eight hundred and sixty-seven* and in every subsequent Year, Elections shall be held for filling up Vacancies among the Conservators elected under this Act.

Days, Hours, and Places for Elections.

9. The Days, Hours, and Places on and at which the Elections are to be held shall be appointed by the Conservators.

Notice of every such Appointment shall be published by the Conservators, and such Publication shall be completed as to each Election not less than *Fourteen* or more than *Twenty-eight* Days before the Day appointed for that Election.

Regulations by Byelaws.

10. Subject to the Provisions of this Act the Conservators may from Time to Time, by Byelaw, regulate the Mode of conducting the Elections.

List of Electors.

11. The Electors shall be ascertained for the Purposes of each Election, as follows, namely,—

(1.) On or as soon as may be after the *First Day of October* in the Year *One thousand eight hundred and sixty-six*, the General Clerk to the Upper Navigation Commissioners, or in default of him a Person appointed by the Board of Trade shall, under the Superintendence of the Board of Trade, and on or as soon as may be after the same Day in every subsequent Year, the Secretary of the Conservators shall, under the like Superintendence, make out a List of the Persons entitled on each *First Day of October* to vote at the Election of a Conservator under this Act:

(2.) The List shall contain in alphabetical Order the Surnames of the Persons so entitled, with their Christian Names and Places of Residence or Business:

(3.) The List shall be signed in the Year *One thousand eight hundred and sixty-six* by the General Clerk or other Person aforesaid, and in every subsequent Year by the Secretary of the Conservators, and in each Case shall be countersigned by One of the Secretaries of the Board of Trade:

(4.) The List shall be completed on or within *Seven* Days after the *First Day of November* in each Year:

(5.) The Conservators shall pay to the General Clerk or other Person aforesaid all Expenses incurred by him in making the Lists and such Remuneration (if any) as the Board of Trade think reasonable for making the same, and shall, if required, pay all Expenses incurred by the Board of Trade in superintending the making of the Lists:

(6.) The List shall be conclusive Evidence that the Persons therein named, and no others, are entitled to vote at the Election in the Month of *December* next after the List is made out:

(7.) Within *Seven* Days after the Completion of the List, the Conservators shall cause it to be printed, and thenceforth until

until the Day of Election inclusive they shall cause printed Copies thereof to be sold at a reasonable Price to all Persons desiring to buy the same.

Each Elector to have One Vote.

12. Each Elector shall be entitled at each Election to *One* Vote and no more for each Conservator to be elected.

Qualification of Persons elected.

13. Every Male Person of full Age entitled to vote at any Election under this Act of a Conservator shall be qualified, and no other Person shall be qualified, to be elected a Conservator at that Election.

Vote to be given personally or proxy.

14. A Vote at any Election may be given either by the Elector personally or by another Elector as his Proxy.

The Appointment of a Proxy shall be made by an Instrument in Writing (in the Form given in the Schedule to this Act, with such Variations as Circumstances require), signed by the Appointor, and attested by *One* Witness at least.

An Instrument appointing a Proxy shall not be used at any Election unless it has been deposited at the Office of the Conservators not less than *Forty-eight Hours* before the Time appointed for that Election.

Any such Instrument shall not be valid except for the Election next after the Date of its Execution.

Returning Officer and Return by him.

15. At the Elections the Deputy Chairman of the Conservators, and, in his Absence, such One of the Conservators as the Conservators appoint for the Purpose, shall be the Returning Officer.

The Returning Officer shall according to the best of his Judgment and Ability make a true Return in Writing to the Conservators of the Person or Persons elected, and every Person so returned shall be deemed duly elected.

If in any Case there is an Equality of Votes for Two or more Candidates for Election to fill One Vacancy there shall be deemed to be a Failure to elect.

Provision for Nondelivery of List.

16. In case any Election is prevented from being held in conformity with this Act, by reason of any List by this Act required not being made out and completed in conformity with this Act, or by reason of any other Accident or Circumstance, there shall be deemed to be a Failure to elect.

Expenses to be paid by Conservators.

17. The Expenses incurred in obtaining or printing Lists of Electors, or in providing Places for Elections, or by the Returning Officer, or otherwise, by or on behalf of the Conservators in relation

relation to Elections under this Act, shall be deemed Part of the Expenses of the Execution of this Act, and shall be defrayed by the Conservators accordingly.

Mode of Publication of Notices &c. by Conservators.

18. Where the Conservators are by this Act required to publish any Notice respecting Elections, they shall do so by inserting the same as an Advertisement *once* in each of *Two* successive Weeks in some daily Morning Newspaper published in London or Middlesex, and *once* in each of the same Weeks in some Newspaper published in the County of Berks; and the Publication shall be deemed to be completed on the Day on which the *Second* Advertisement in the last-mentioned Newspaper appears.

Rotation of additional Conservators.

Duration of Office of additional Conservators.

19. *One* of the Three additional Conservators elected at the First Election shall go out of Office at the *Second* Election, *One* at the *Third* Election, and the *Third* at the *Fourth* Election.

The Conservators to go out at the *Second* and *Third* Elections respectively shall be determined by Agreement among or between those elected at the *First* Election and for the Time being in Office, or, in default of Agreement, by Lots drawn at a Conservancy Meeting by the Secretary of the Conservators.

The Conservator elected at the *Second* and every subsequent Election shall go out at the *Third* Election after his Election.

Every Conservator going out under this Section shall be re-eligible.

Vacancies.

Appointment by Conservators in case of Failure to elect.

20. In case for any Reason on any Occasion there is a Failure to elect a Conservator in conformity with this Act, the Conservators shall, within *One Month* after such Failure, appoint as Conservator a qualified Person.

Every such Appointment shall be made at a Conservancy Meeting, Notice whereof shall be given in manner required for Special Meetings.

Every Conservator so appointed, shall, for the Purposes of this Act, in all respects be as if he had been elected in conformity with this Act.

Mode of supplying casual Vacancies.

21. Section Seven of The Thames Conservancy Act, 1857, shall not apply to a Conservator elected under this Act. If any such Conservator dies or resigns, or if his Office is vacated from any Cause other than that of his going out of Office by Effluxion of Time or by Rotation, the Conservators may, if they think fit, within

within *One Month* after the happening of such Vacancy, appoint in his Place a qualified Person.

Every such Appointment shall be made at a Conservancy Meeting, Notice whereof shall be given in manner required for Special Meetings.

Every Conservator so appointed shall continue in Office only as long as the Person in whose Place he is appointed would have been entitled to continue in Office.

Vacation of Office by Loss of Qualification.

22. If any Conservator elected or appointed by the Conservators under this Act ceases to possess the Qualification requisite for his Election or Appointment as a Conservator his Office shall be thereby vacated.

Error in Elections not to vitiate Acts done.

23. Any Act of the Conservators or any of them shall not be invalidated or be illegal by reason of any Irregularity in the Election or Appointment under this Act of any Conservator, or by reason of the Non-delivery of, or the too late Delivery of, or any Error in, any List of Electors, or by reason of any Irregularity in the making or publishing of any such List, or by reason of any Person not qualified or ceasing to be qualified acting as a Conservator, or by reason of any Failure or Omission on any Occasion to elect or appoint any Conservator under this Act, or by reason of any other Irregularity, Error, Failure, or Omission in or about any Election, or in or about any Matter preliminary or incidental thereto.

Transfer of Works, &c., to Conservators.

Transfer of Works, Powers, &c. of Upper Navigation Commissioners to Conservators.

24. Subject to the Provisions of this Act, the Locks, Canals, Works, Toll Houses, Real and Personal Property, Powers, Authorities, Privileges, Exemptions, Rights of Action and Suit, and all other the Rights and Interests of the Upper Navigation Commissioners, shall be and the same are hereby absolutely transferred to and vested in the Conservators of the River Thames, and the same may and shall be held, used, exercised, and enjoyed by the Conservators in the same Manner and to the same Extent as the same respectively at the passing of this Act are or if this Act had not been passed might be held, used, exercised, and enjoyed by the Upper Navigation Commissioners.

Upper Navigation Acts continued and applied to Conservators.

25. The Upper Navigation Acts shall (except as far as they are by this Act expressed to be varied or repealed) remain in full Force; and all Matters to be done, continued, or completed, or which but for the passing of this Act would, might, or could be done, continued, or completed by the Upper Navigation

Commissioners, or any Committee of them, their Officers or Servants, under or by virtue of those Acts, shall or may (as the Case requires) be done, continued or completed by the Conservators, their Officers, and Servants; and those Acts, and every other Act as far as it relates to or affects the Commissioners or the Upper Navigation, shall be construed as if the Conservators had been named therein in relation to the Upper Navigation instead of the Commissioners.

Discontinuance of Upper Navigation Commissioners.

Upper Navigation Commissioners discontinued.

26. From the passing of this Act the Upper Navigation Commissioners shall no longer act or have any Power or Authority to act in the Execution of the Upper Navigation Acts or any of them, and all the Provisions of those Acts or any of them relative to the following Matters or any of them, namely,—

The Times and Places for the Meetings of the Commissioners, and the Appointment and Adjournment of their Meetings:

The Sub-meetings or District Meetings and Committees for Districts of the Commissioners, and their respective Powers, Duties, and Authorities, and Appeals from them:

The Appointment of Clerks of the Peace as Clerks to the Commissioners:

The Appeals from the Orders, Determinations, and Judgments of the Commissioners:

The Alteration, Repeal, or annulling of the Orders, Rules, or Regulations of the Commissioners, and the Mode in which the same are to be written, printed, recorded, or kept:

shall cease to operate, and notwithstanding anything in this Act the same or any of them shall not apply to the Conservators.

Repeal of Parts of Upper Navigation Acts.

27. The following Parts of the Upper Navigation Acts shall be and the same are hereby repealed, namely,—

Of the Upper Navigation Act of 1771 (Section Six) so much as requires the Commissioners to appoint a General Treasurer and a General Surveyor of the Navigation, and One Person for each District to be Clerk to the Commissioners acting therein:

Of the same Act Section Nine (relating to the Price to be paid for the Passage of Barges and other Vessels, and to the Obligation on the Owners or Occupiers of Locks to keep in repair the several Locks and Weirs then in the Rivers Thames and Isis, and to Marks for regulating the lowering of the Water):

Of the same Act (Section Ten) so much as empowers any Person to draw down the Water for any Purpose:

Of

Of the same Act Sections Twelve and Thirteen (relating to the Payment of Tolls to Lock Owners):

Of the Upper Navigation Act of 1788 (Section Seven) so much as directs the Commissioners to distinguish the Tolls for the Use of the Locks, Pound Locks, Turnpikes, Bars, or Weirs from those for Towing-paths, Ways, Ferries, and Bridges:

Of the same Act (Section Eight) so much as relates to the Tolls, Rates, and Duties to be taken by the Owners and Occupiers of Locks:

Of the same Act Sections Fourteen and Fifteen (containing Regulations respecting Tolls):

Of the Upper Navigation Act of 1795 Sections Four to Eight both inclusive (relating to Tolls):

Of the same Act Sections Twenty-six to Thirty both inclusive, (relating to the Oaths of Commissioners).

Recovery of Tolls, &c. due to Commissioners.

28. All Tolls, Rates, Duties, Debts, and Money at the passing of this Act due or payable to the Upper Navigation Commissioners or any Persons on their Behalf, shall be payable and paid to the Conservators, and shall be recoverable by the Conservators by the same Ways and Means and subject to the same Conditions as the same would or might have been recoverable by the Commissioners if this Act had not been passed.

Deeds, Contracts, &c. continued in force.

29. Subject to the Provisions of this Act, all Deeds, Conveyances, Grants, Assignments, Leases, Purchases, Sales, Mortgages, Bonds, Covenants, Agreements, Contracts, and Securities which before the passing of this Act have been duly and legally executed, made, or entered into by, with, or in relation to the Upper Navigation Commissioners, and which are in force at the passing of this Act, and all Obligations and Liabilities which before the passing of this Act have been incurred by or to or which but for this Act might or would have arisen in relation to the Commissioners, shall, as from the passing of this Act, be as valid and of as full Force in favour of, against, or in relation to the Conservators as if the same had been executed, made, or entered into by, with, or to, or in relation to, or had been incurred by or to or had arisen in relation to the Conservators by Name.

Causes of Action, &c. preserved.

30. Subject to the Provisions of this Act, all Causes and Rights of Action or Suit accrued before the passing of this Act, and at the passing of this Act in any Manner enforceable by, for, or against the Upper Navigation Commissioners shall as from the passing of this Act be and remain as good, valid, and effectual for or against the Conservators as they would or might have been for or against the Commissioners if this Act had not been passed.

 31. Nothing

Actions not to abate.

31. Nothing in this Act shall cause the Abatement, Discontinuance, or Determination of, or in anywise prejudicially affect any Action, Suit, or other Proceeding at Law or in Equity commenced by or against the Commissioners before the passing of this Act and pending at the passing of this Act, but the same may be continued, prosecuted, or enforced by or against the Conservators.

Prosecution for Offences.

32. All Persons having committed Offences against any of the Provisions of the Upper Navigation Acts before the passing of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for and recovered under this Act, in like Manner as nearly as may be as if the same had been committed after the passing of this Act.

Completion of unexecuted Works.

33. All Works which the Upper Navigation Commissioners are at the passing of this Act authorized or bound to execute and complete, and which are not then executed and completed, may or shall (as the Case requires) be executed or completed by the Conservators, and for that Purpose the Conservators shall have and be subject to all the Powers, Rights, and Conditions which were conferred or imposed on the Commissioners, and which but for the passing of this Act, might have been exercised by or enforced against the Commissioners.

Officers to be accountable for Books, &c.

34. All Officers and Persons who on the *First Day of February One thousand eight hundred and sixty-six* had, or at the passing of this Act have, in their Possession or under their Control any Books, Papers, Documents, or Effects belonging to the Upper Navigation Commissioners, or to which the Commissioners but for this Act would have been entitled, shall, as from the passing of this Act, be liable to account for and deliver up the same to the Conservators in the same Manner and subject to the same Consequences on Refusal or Neglect as if those Officers and Persons had been appointed by or become possessed of the same Books, Papers, Documents, or Effects for the Conservators; and if any Person fails to account for or deliver up any such Book, Paper, Document, or Effects, he shall be liable to a Penalty not exceeding *One hundred Pounds*, to be recovered, with Costs, at the Suit of the Conservators, without Prejudice to any other Proceeding against him.

Books to be Evidence.

35. All Books and Documents which if this Act had not been passed would have been Evidence in respect of any Matter for or against the Upper Navigation Commissioners shall be admitted in Evidence

Evidence in respect of the same or the like Matter for or against the Conservators.

Byelaws, &c. to remain in force.

36. All the Byelaws, Rules, Orders, or Regulations of the Upper Navigation Commissioners relating to the Management, Use, or Control of the Upper Navigation, shall, notwithstanding this Act, continue to be in force and applicable to and in respect of that Navigation, and shall and may be enforced by and available to the Conservators in their own Names, as well for the Recovery of Penalties as for all other Purposes, as if the same had been originally made by the Conservators, until the *First Day of January One thousand eight hundred and sixty-eight*, but no longer, or until before that Day other Byelaws, Rules, or Regulations are made by the Conservators in their Stead.

Powers of Conservators.

Conservators to have Powers of Meetings, Commitees, &c. of Commissioners.

37. The Conservators shall have and may exercise all the Powers by the Upper Navigation Acts expressed to be conferred on the Upper Navigation Commissioners assembled in Meeting or otherwise, or on any Meeting, Sub-Meeting, or District Meeting of the Commissioners, or on any Committee, or on any Majority or any Number of the Commissioners.

Documents requiring Signatures to be sealed.

38. Where by the Upper Navigation Acts the Signatures of any Number of the Upper Navigation Commissioners are requisite to any Document, the Common Seal of the Conservators shall be affixed to that Document, if required under this Act, in lieu of those Signatures.

Transfer of Powers of Surveyor, &c.

39. All Powers and Duties by the Upper Navigation Acts, or any of them, conferred or imposed on the Surveyor and Treasurer respectively of the Commissioners shall be and the same are hereby conferred and imposed on the Engineer and Secretary respectively of the Conservators.

Conservancy Acts extended to Upper Thames.

40. From the passing of this Act the Conservators shall have the same or the like Powers and Authorities over and with respect to the Thames and Isis from Staines to Cricklade as they have over and with respect to the Thames below Staines; and all the Provisions of the Conservancy Acts shall extend and apply mutatis mutandis to the Thames and Isis from Staines to Cricklade, and those Acts shall be read and have Effect together with this Act as One Act, as nearly as may be as if the Conservancy of the Thames and Isis from Staines to Cricklade had been comprised in The Thames

Conservancy Act, 1857, and had been accordingly thereby vested in the Conservators; and for this Purpose—

The Expression "this Act" where used in either of the Conservancy Acts shall be taken to include the present Act:

The Expression "River Thames," or "River," where used in either of the Conservancy Acts, shall be taken to include the Thames as defined by this Act:

The Word "Shores" where used in either of the Conservancy Acts shall be taken to include the Shores of the Thames as defined by this Act:

Save that nothing in this Act shall extend to the Thames as defined by this Act the Provisions of Sections Fifty-eight, One hundred and three, and One hundred and four of The Thames Conservancy Act, 1857.

Byelaws to be made under Conservancy Acts.

41. The Provisions of the Conservancy Acts respecting Byelaws shall extend and apply to Byelaws for the Purposes of the Upper Navigation Acts or this Act.

Conservators to repair Dams, &c. in lieu of Millowners, &c.

42. On the passing of this Act the Property in all Locks, Dams, and Weirs then existing in or on the Stream or Bed of the Thames (as far as the same is not then vested in the Commissioners) shall be and the same is hereby absolutely transferred to and vested in the Conservators, who shall maintain and repair those Locks, Dams, and Weirs unless and until removed by lawful Authority, and all Obligation on any Person as Owner or Occupier thereof or of any Mill or Lands to maintain and repair those Locks, Dams, and Weirs or any of them shall absolutely cease.

Power for Conservators to regulate drawing down, &c. of Water.

43. Notwithstanding anything in any of the Upper Navigation Acts, the Conservators may regulate as they think fit the opening, shutting, and Management of the Locks and Works on the Thames, and the drawing down or keeping back of the Water by means of any of those Locks and Works.

Tolls.

Power to take Tolls for Vessels, &c.

44. The Conservators may from Time to Time demand and receive in respect of Vessels, Goods, and Things navigating or carried on the River the Tolls and Charges to be from Time to Time appointed by Byelaw made under The Thames Conservancy Act, 1864, and until any such Byelaw is made may from Time to Time demand and receive in respect of those Vessels, Goods, and Things Tolls and Charges not exceeding those which the Upper Navigation Commissioners are at the passing of this Act authorized to demand and receive.

45. The

45. The Conservators, in conformity with any Byelaws regulating the Receipt of Tolls and Charges under this Act, may from Time to Time enter into and execute Agreements with Persons liable to pay Tolls or Charges, with respect to the Mode and Times for the Collection and Payment of Tolls or Charges, or the Payment of annual or other periodical Sums by way of Composition for any Tolls or Charges, and may from Time to Time make such Arrangements as they think fit respecting the levying of Tolls or Charges on Traffic passing from the Upper Navigation down the Thames or vice versâ. Power to make Arrangements as to Tolls.

46. From and after the passing of this Act it shall not be lawful for any Person by virtue of any Right or Claim as Owner or Occupier of any Lock, Dam, or Weir in or on the Stream or Bed of the Thames to demand or receive any Toll or Payment on or in respect of any Vessel passing by or through that Lock, Dam, or Weir. Abolition of Tolls of old Lock Owners.

Sewage.

47. From and after the passing of this Act it shall not be lawful for any Person to do any of the following Things, namely,— Prohibition of sending Sewage into River where not so sent at passing of Act.

(1.) To open into the Thames any Sewer, Drain, Pipe, or Channel, with Intent or in order thereby to provide for the Flow or Passage of Sewage, or of any other offensive or injurious Matter:

(2.) To cause or suffer any Sewage or any Matter aforesaid to flow or pass into the Thames down or through any Sewer, Drain, Pipe, or Channel not at the passing of this Act used for that Purpose:

(3.) To open into any River, Stream, Cut, Dock, Canal, or Watercourse communicating with the Thames at any Point within *Three Miles* of the Thames, measured in a direct Line therefrom, any Sewer, Drain, Pipe, or Channel, with Intent or in order thereby to provide for the Flow or Passage of Sewage or of any Matter aforesaid in such Manner that the same will be carried or be likely to be carried by, through, or out of that River, Stream, Cut, Dock, Canal, or Watercourse into the Thames:

(4.) To cause or suffer any Sewage or any Matter aforesaid to flow or pass into any such River, Stream, Cut, Dock, Canal, or Watercourse at any Point within the Distance aforesaid, down or through any Sewer, Drain, Pipe, or Channel not at the passing of this Act used for that Purpose, in such Manner that the same will be carried or be likely to be carried by, through, or out of that River, Stream, Cut, Dock, Canal, or Watercourse into the Thames.

If any Person does any Act or Thing in contravention of this Enactment he shall for every such Offence be liable on summary Conviction to a Penalty not exceeding *One hundred Pounds*, and to a further Penalty not exceeding *Fifty Pounds* for every Day during which the Offence is continued after the Day on which the First Penalty is incurred.

Notice for Discontinuance of existing Sewerage Works.

48. Where at the passing of this Act any Sewage or any other offensive or injurious Matter is caused or suffered to flow or pass into the Thames, or is caused or suffered to flow or pass into any River, Stream, Cut, Dock, Canal, or Watercourse communicating with the Thames, at any Point within *Three Miles* of the Thames, measured in a direct Line therefrom, in such Manner that the same is carried or is likely to be carried into the Thames, then and in every such Case, if the Conservators at any Time after the passing of this Act consider that the Flow or Passage thereof as aforesaid injures or tends to injure the Water of the Thames, they may give Notice in Writing under their Common Seal to the Person causing or suffering the same so to flow or pass to the effect that they require him to discontinue the Flow or Passage thereof as aforesaid within a Time to be specified in the Notice, not being in any Case less than *Twelve* Months, with Power to the Conservators to extend the Time specified in the Notice by Writing under their Common Seal.

Penalty for Disregard of Notice.

49. Any Person to whom any such Notice is given by the Conservators shall, notwithstanding anything in any other Act, comply with the Requisition of the Notice, and if any Person fails to do so he shall be guilty of a Misdemeanour, and shall be liable on summary or other Conviction thereof to a Penalty not exceeding *One hundred Pounds*, and to a further Penalty not exceeding *Fifty Pounds* for every Day during which the Offence is continued after the Day on which the First Penalty is incurred.

Defences allowed to Persons receiving Notice.

50. Provided, That in any Prosecution for the Misdemeanour aforesaid the Defendant shall not be liable to Conviction if he shows to the Satisfaction of the Justice or Justices or Court by whom the Matter is heard, either of the following Things, namely,—first, that the Act or Thing complained of does not injure or tend to injure the Water of the Thames; or, secondly, that it is not reasonably possible for him to discontinue the doing of the Act or Thing complained of.

Power for Removal of Proceedings by Certiorari.

51. Notwithstanding anything in The Thames Conservancy Act 1857, (Section One hundred and sixty), any Proceeding in pursuance of this Act in respect of such a Misdemeanour as aforesaid may be removed by Certiorari into Her Majesty's Court of Queen's Bench at Westminster.

52. It

52. It shall not be competent for any Person other than the Conservators, their Officers, Attorneys, Solicitors, or Agents, to institute, or carry on under this Act, any Proceeding or Prosecution under the Provisions of this Act relative to the Flow or Passage of Sewage or of any Matter aforesaid. Right to prosecute to be in Conservators only.

53. Nothing in the Provisions of this Act relative to the Flow or Passage of Sewage or of any Matter aforesaid shall take away or prejudicially affect any Remedy or Right which the Conservators or any Person would or might have had or exercised if this Act had not been passed as against the Person for the Time being causing or suffering the Flow or Passage thereof. Saving for other Remedies.

Borrowing Power.

54. In order to defray the Expenses of executing this Act, the Conservators may from Time to Time borrow at Interest on the Security of the Tolls leviable under this Act, or any Part thereof, such Sums of Money as they think requisite for the Execution of this Act, (over and above any Money which they are for the Time being authorized to borrow independently of the present Enactment,) not exceeding in the whole the Sum of thousand Pounds, and may mortgage the Tolls leviable under this Act, or any Part thereof, to secure the Repayment of the Money so borrowed with Interest accordingly. Power to borrow on Mortgage of Tolls.

55. The Provisions of The Commissioners Clauses Act, 1847, with respect to the Mortgages to be executed by the Commissioners, as far as the same are applicable for the Purposes and are not inconsistent with the Provisions of this Act, are hereby incorporated with this Act. Incorporation of Part of Commissioners Clauses Act.

56. The Conservators may borrow from the Public Works Loan Commissioners, and those Commissioners may lend to them, such Sum of Money as the Public Works Loan Commissioners think fit for the Purposes of this Act, not exceeding the maximum Amount by this Act authorized by to be borrowed. Power to borrow from Public Works Loan Commissioners.

57. The Conservators shall pay off any Money borrowed by them under this Act, either by Instalments or by means of a Sinking Fund invested in Government Securities and increased by Accumulation in the way of Compound Interest, or otherwise, as follows, that is to say,—as to any Money borrowed before the *Thirty-first Day of December One thousand eight hundred and seventy-six*, within *Fifty* Years from that Date, and as to any Money borrowed after that Date within *Fifty* Years after the same is borrowed. Instalments or Sinking Fund.

Power to reborrow.

58. If the Conservators at any Time pay off otherwise than by Instalments or a Sinking Fund any Money borrowed by them, they may from Time to Time reborrow the same, or any less Amount, in manner aforesaid, and so *toties quoties*, but so that the total Amount at any One Time borrowed by them under this Act and remaining unpaid shall not exceed the maximum Amount by this Act authorized to be borrowed.

Power to Mortgage Lands, &c.

59. Any Lands or other Property vested in or acquired by the Conservators by or under this Act, or any Part thereof, may be made, either alone or with the Tolls leviable under this Act or any Part thereof, a Security for any Money borrowed by the Conservators under this Act on such Terms and Conditions as the Conservators and any Lender of Money from Time to Time agree.

Money borrowed under this Act to be First Charge.

60. Any Money borrowed by the Conservators under this Act shall be a Charge on the Tolls, Lands, and Property mortgaged by the Conservators to secure the Repayment thereof in Priority to any Charge existing thereon at the passing of this Act.

Collateral Security on Conservancy Fund.

61. The Conservators may from Time to Time, if they think fit, agree with any Lender of Money to them under this Act to give him a Security for that Money, with Interest, on the Conservancy Fund created under the Conservancy Acts, subject to and after any Charge for the Time being subsisting thereon under the Conservancy Acts, and on such Terms as the Conservators and any such Lender agree on, and may in every such Case give such a Security accordingly; and the Provisions of The Thames Conservancy Act, 1857, relative to Mortgages of the Conservancy Fund shall extend and apply as far as Circumstances admit to every such Security.

Commissioners Mortgage Debt.

Charge on Tolls of Commissioners Mortgage Debt.

62. The Mortgage or Bond Debt contracted by the Upper Navigation Commissioners and now remaining unpaid (not exceeding the Sum of Eighty-eight thousand four hundred Pounds), with Interest at the Rate of per Centum per Annum, shall be a Charge on the Tolls and Charges leviable under this Act, subject to and after any Charge thereon for the Time being created by the Conservators under this Act.

Issue of postponed Mortgages.

63. The Conservators shall at the Request of any Holder of any Portion of the Mortgage or Bond Debt aforesaid, and on Delivery up by him of any Security for the same held by him, execute and deliver to him a postponed Mortgage of the Tolls leviable under this Act and of the Property held by the Upper Navigation Commissioners and

and transferred to the Conservators by this Act, the same to bear Interest at the Rate aforesaid; and the Provisions of this Act and of The Commissioners Clauses Act, 1847, incorporated with this Act, relative to Mortgages, shall extend and apply, as far as Circumstances admit, to the postponed Mortgages issued under this Enactment.

Interest to be charged on Tolls, &c. only within each Year.

64. The Interest on the Mortgage or Bond Debt contracted by the Upper Navigation Commissioners, to accrue after the passing of this Act, shall be a Charge on the Tolls and Charges leviable under this Act, Year by Year only; and if in any Year ending on the *Thirty-first Day of December*, there are not Receipts from those Tolls and Charges (after Payment of or Allowance for all Sums properly payable thereout or chargeable thereon) available for the Payment of the full Amount of Interest for that Year, no Part of the Deficiency shall be made good out of the Receipts from those Tolls and Charges in any subsequent Year or out of any other Funds of the Conservators, and all Right to receive or recover the Deficiency shall be and the same is hereby extinguished.

Priority of Instalments and Sinking Fund over Interest on existing Debt.

65. The Instalments or the Payments to the Sinking Fund required by this Act to be made by the Conservators for paying off Money borrowed by them under this Act shall be a Charge on the Tolls and Charges leviable under this Act in priority to any Interest on the Mortgage or Bond Debt contracted by the Upper Navigation Commissioners.

Extinguishment of Arrears of Interest on existing Debt.

66. The Right of any Person to recover any Arrear of Interest accrued due and unpaid before the passing of this Act in respect of the Mortgage or Bond Debt contracted by the Upper Navigation Commissioners is hereby extinguished.

Power for Conservators to redeem existing Debt.

67. The Conservators may from Time to Time, as and when they think proper, redeem any Portion of the Mortgage or Bond Debt contracted by the Upper Navigation Commissioners at such Prices and on such Terms as they and the Holders respectively of Portions of that Debt agree on; and for that Purpose the Conservators may if they think proper apply any Funds now in their Hands or hereafter coming to their Hands under the Conservancy Acts or either of them or this Act.

Accounts.

Separate Accounts under this Act.

68. The Conservators shall keep separate Accounts of their Receipts and Expenditure, Credits and Liabilities under this Act, which shall be subject to the same Provisions as their Accounts kept under the Conservancy Acts.

Application of Revenue and Capital.

Application of Revenue.

69. All Money coming to the Conservators under this Act (not being raised on Mortgage or received as Consideration for Lands sold and not being otherwise in the Nature of Capital) shall be carried by the Conservators to their Revenue Account under this Act, and shall be applied by them in the Manner and in the Order following, and not otherwise, namely,—

(1.) In defraying the necessary and proper Establishment and Working Expenses of the Conservators under this Act, and the Expenses of the Repair and Maintenance of the Works vested in or acquired or constructed by them by or under this Act:

(2.) In paying the Interest from Time to Time accruing due on any Mortgage Debt contracted by them:

(3.) In providing the Instalments or Sinking Fund required by this Act:

(4.) In paying Year by Year the Interest accruing due on the Mortgage or Bond Debt contracted by the Upper Navigation Commissioners:

(5.) In carrying into execution the Purposes of this Act.

Application of Capital.

70. All Money coming to the Conservators under this Act being raised on Mortgage, or received as Consideration for Lands sold, or being otherwise in the Nature of Capital, shall be carried by the Conservators to their Capital Account under this Act, and shall be applied by them in the Manner and in the Order following, and not otherwise, namely,—

(1.) In paying the Costs, Charges, and Expenses of the raising of Money and of the selling of Lands as aforesaid:

(2.) In the Purchase of any Lands requisite for the Works which the Conservators are by this Act authorized to restore or construct, and in the Restoration or Construction of those Works, and otherwise in the Execution of this Act.

Colemouth Creek.

Conservancy of Colemouth Creek, &c. vested in Conservators.

71. From and immediately after the passing of this Act the Limits of the Conservancy Acts shall be and the same are hereby extended so as to comprise Colemouth Creek and the Waters of the Medway, in the Parishes of St. James, Isle of Grain, and of St. John the Baptist, Stoke, in the County of Kent; and accordingly the Provisions of the Conservancy Acts shall have Effect as if the said Creek and Waters had been described in Sections Fifty and Fifty-two of The Thames Conservancy Act, 1857.

Expenses

Expenses of Act.

72. The Costs, Charges, and Expenses preliminary to and of and incidental to the preparing for, obtaining, and passing of this Act, shall be paid by the Conservators out of the Conservancy Fund. Conservators to pay Costs of Act.

SCHEDULES.

THE FIRST SCHEDULE.

The Upper Navigation Acts.

24 Geo. 2. c. 8.—An Act for the better carrying on and regulating the Navigation of the Rivers Thames and Isis from the City of London Westward to the Town of Cricklade in the County of Wilts. [The Upper Navigation Act of 1751.]

11 Geo. 3. c. 45.—An Act for improving and completing the Navigation of the Rivers Thames and Isis from the City of London to the Town of Cricklade in the County of Wilts. [The Upper Navigation Act of 1771.]

15 Geo. 3. c. 11.—An Act to amend an Act made in the Eleventh Year of His present Majesty's Reign for improving and completing the Navigation of the Rivers Thames and Isis from the City of London to the Town of Cricklade in the County of Wilts. [The Upper Navigation Act of 1775.]

28 Geo. 3. c. 51.—An Act to explain, amend, and enlarge the Powers of so much of Two Acts passed in the Eleventh and Fifteenth Years of the Reign of His present Majesty for improving and completing the Navigation of the Rivers Thames and Isis from the City of London to the Town of Cricklade in the County of Wilts as relates to the Navigation of the said Rivers from the Boundary of the Jurisdiction of the City of London near Staines in the County of Middlesex to the said Town of Cricklade. [The Upper Navigation Act of 1788.]

35 Geo. 3. c. 106.—An Act for amending and rendering more effectual an Act passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled "An Act to explain, amend, and enlarge the Powers of so much of "Two Acts passed in Eleventh and Fifteenth Years of the Reign of His "present Majesty for improving and completing the Navigation of the Rivers "Thames and Isis from the City of London to the Town of Cricklade in the "County of Wilts," as relates to the Navigation of the said Rivers from the Boundary of the Jurisdiction of the City of London near Staines in the County of Middlesex to the said Town of Cricklade; and for extending and enlarging the Powers of the said several Acts passed in the Eleventh and Fifteenth Years of the Reign of His said present Majesty, so far as the same relate to the improving and completing of the Navigation of the said Rivers from the Jurisdiction of the City of London near Staines in the County of Middlesex to the Town of Cricklade in the County of Wilts. [The Upper Navigation Act of 1795.]

52 Geo. 3. c. xlvii.—An Act to authorize the Commissioners for improving and completing the Navigation of the Rivers Thames and Isis from the Jurisdiction

diction of the City of London near Staines in the County of Middlesex to the Town of Cricklade in the County of Wilts, to make a navigable Canal out of the River Thames near Milson's Point in the Parish of Egham in the County of Surrey to communicate with the said River at or near Bell Weir in the said Parish of Egham, and to erect Pound Locks in such Cut, with necessary Weirs and other Works on the said Navigation. [The Upper Navigation Act of 1812.]

THE SECOND SCHEDULE.

Form of Declaration of Qualification.

THE THAMES NAVIGATION ACT, 1866.

I *A.B.* of do solemnly declare that I [*here set forth a Statement of some one of the Qualifications required by the Upper Navigation Act of* 1795, *in the Terms thereof*].

Dated this Day of 18 .

(Signed) *A.B.*

Form of Proxy Paper.

THE THAMES NAVIGATION ACT, 1866.

I *A.B.* of being entitled to Votes at the Election of a Conservator as Representative of Local Land owners [*or as the Case may be*], at the Election to be held in the Month of December 186 , do by this Writing appoint *C.D.* of to be my Proxy to vote on my Behalf at that Election.

(Signed) *A.B.*

Witness

X.Y. of .

Thames Navigation.

A

BILL

For vesting in the Conservators of the River Thames the Conservancy of the Thames and Isis from Staines in the County of Middlesex to Cricklade in the County of Wilts, and also that of Colemouth Creek and Part of the Waters of the Medway in the County of Kent; and for other Purposes connected therewith.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Monsell.*)

Ordered, by The House of Commons, *to be Printed*, 9 *March* 1866.

[Bill 59.]

Under 4 *ozs.*

Thames Navigation Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

CLAUSE.

1. Short Title.
2. Interpretation.

Addition of Five Conservators.

3. Five Conservators added.
4. Conservators under this Act incorporated with existing Body.
5. Conservancy Acts, &c. to remain unaffected.
6. One of the Five Conservators to be appointed by Board of Trade.—CLAUSE A.

Election of additional Conservators.

7. Constituencies for Election of Four Conservators.
8. Time for First Elections.
9. Time for subsequent Elections.
10. Days, Hours, and Places for Elections.
11. Regulations by Byelaws.
12. List of Electors.
13. Each Elector to have One Vote.
14. Qualification of Persons elected.
15. Votes to be given personally or by proxy.
16. Returning Officer, and Return by him.
17. Provision for Nondelivery of List.
18. Expenses to be paid by Conservators.
19. Mode of Publication of Notices, &c. by Conservators.
20. Duration of Office of additional Conservators.
21. Appointment by Conservators in case of Failure to elect.
22. Mode of supplying casual Vacancies.
23. Vacation of Office by Loss of Qualification.
24. Error in Elections not to vitiate Acts done.

Transfer of Works, &c., to Conservators.

25. Transfer of Works, Powers, &c. of Upper Navigation Commissioners to Conservators.
26. Upper Navigation Acts continued and applied to Conservators.

Discontinuance of Upper Navigation Commissioners.

27. Upper Navigation Commissioners discontinued.
28. Repeal of Parts of Upper Navigation Acts.
29. Recovery of Tolls, &c. due to Commissioners.
30. Deeds, Contracts, &c. continued in force.
31. Causes of Action, &c. preserved.
32. Actions not to abate.
33. Prosecution for Offences.
34. Completion of unexecuted Works.
35. Officers to be accountable for Books, &c.
36. Books to be Evidence.
37. Byelaws, &c. to remain in force.

Powers of Conservators.

38. Conservators to have Powers of Meetings, Committees, &c. of Commissioners.
39. Documents requiring Signatures to be sealed.
40. Transfer of Powers of Surveyor, &c.
41. Conservancy Acts extended to Upper Thames.
42. Byelaws to be made under Conservancy Acts.
43. Conservators to repair Dams, &c. in lieu of Mill Owners, &c.
44. Provision for Compensation to Owners of Weirs.—Clause B.
45. Provision as to drawing down of Water for Repairs, &c. of Mills.—Clause C.
46. Provision as to passing through disused Portions of Navigation. Clause D.
47. Saving for Trees, &c. at Temple Weir.—Clause E.
48. For Protection of George Charles Cherry, Esquire.—Clause F.
49. Power for Conservators to regulate drawing down, &c. of Water.
50. Provision for Control by Water Companies of Works of Conservators.—Clause G.
51. Surface of River to be scavenged.—Clause H.
52. Power for Conservators to enter on Lands to survey, &c.—Clause I.
53. Provision as to Land Drainage above Oxford.—Clause K.
54. Provision as to Buscot and Eaton Weirs.—Clause L.

Tolls.

Tolls.

55. Power to take Tolls for Vessels, &c.
56. Power to make Arrangements as to Tolls.
57. Abolition of Tolls of old Lock Owners.

Payments by Water Companies.

58. Contributions by the Five Water Companies.—Clause M.
59. Contributions of Companies to be First Charge on their Receipts after existing Debts, &c.—Clause N.
60. Payments of Companies to be without Deduction, and free from Taxes, &c.—Clause O.
61. Power for Bodies Corporate, &c. to contribute.—Clause P.
62. Provision for Compensation to Robert Danbe.—Clause Q.

Pollution of Water.

63. Prohibition of sending Sewage, &c. into River where not so sent at passing of Act.
64. Notice for Discontinuance of existing Sewerage Works.
65. Penalty for Disregard of Notice.
66. Power to obtain Extension of Time.—Clause R.
67. Power for Removal of Proceedings by Certiorari.
68. Right to prosecute to be in Conservators only.
69. Saving for other Remedies.

Borrowing Power.

70. Power to borrow on Mortgage of Tolls.
71. Incorporation of Part of Commissioners Clauses Act.
72. Power to borrow from Public Works Loan Commissioners.
73. Instalments or Sinking Fund.
74. Power to reborrow.
75. Power to mortgage Lands, &c.
76. Money borrowed under this Act to be First Charge.
77. Collateral Security on Conservancy Fund.

Commissioners Mortgage Debt.

78. Charge on Tolls of Commissioners Mortgage Debt.
79. Issue of postponed Mortgages.
80. Interest to be charged on Tolls, &c. only within each Year.
81. Priority of Instalments and Sinking Fund over Interest on existing Debt.

82. Extinguishment of Arrears of Interest on existing Debt.
83. Power for Conservators to redeem existing Debt.

Payments to Conservators.

84. Additional Payments to Conservators.—CLAUSE S.

Compensation to Officers.

85. Compensation for Loss of Emolument.—CLAUSE T.

Separate Accounts and Liabilities.

86. Separate Accounts under this Act.
87. Liabilities to be charged on Funds under this Act.—CLAUSE U.

Application of Revenue and Capital.

88. Application of Revenue.
89. Application of Capital.
90. Conservators to apply to Parliament for further Powers.—CLAUSE X.

Expenses of Act.

91. Conservators to pay Costs of Act.

SCHEDULES.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Vesting in the Conservators of the River Thames the Conservancy of the Thames and Isis from Staines in the County of Middlesex to Cricklade in the County of Wilts; and for other Purposes connected therewith.

WHEREAS the Preservation and Improvement of the Stream Bed and Banks of the upper Part of the Thames is an Object of great local and public Importance: Preamble.

And whereas by the Acts described in the First Schedule to this Act (to which Acts the Expression "the Upper Navigation Acts" where used in this Act refers, and which Acts, or some of them, are severally referred to in this Act by the respective short Descriptions in the same Schedule contained) certain Powers for the Maintenance and Improvement of the Navigation of the Thames from Staines in the County of Middlesex to Cricklade in the County of Wilts were vested in Commissioners (in this Act called the Upper Navigation Commissioners):

And whereas by the Upper Navigation Act of 1795 the following Persons are appointed the Upper Navigation Commissioners, namely,—

" The Representatives in Parliament for the Counties of Wilts, " Gloucester, Oxford, Berks, and Bucks, and for all Cities and " Towns within the same, and for the University of Oxford; " the Representatives in Parliament for the Counties of " Middlesex and Surrey, and for the Cities of London and " Westminster, and the Borough of Southwark; the Lord " Mayor and Aldermen of the City of London, the Vice- " Chancellor and Heads of Colleges and Halls in the Univer- " sity of Oxford, the Dean and Canons of Christ Church, the " Dean and Canons of Windsor, the Provost and Fellows of " Eton College, the Rectors and Incumbents of the several " Parishes that border upon the Thames and Isis on both " Sides from Staines to Cricklade; the Mayors and Recorders " of Oxford, Abingdon, Wallingford, Reading, Henley, " Maidenhead, and Windsor; the Senior Bridgewarden of " Great Marlow, and the Clerk of His Majesty's Board of " Works residing at Windsor Castle for the Time being; and " also every Person being seised in his own Right or in Right " of his Wife of Lands, Tenements, or Hereditaments, being " Freehold or Copyhold, of the Value of One hundred Pounds " per Annum in the Counties of Wilts, Gloucester, Oxford, " Berks, and Bucks, or being Heir Apparent of some Person " having such Estate of the clear yearly Value of Two " hundred Pounds; and every Person who does or shall " reside in either of the said Counties of Wilts, Gloucester, " Oxford, Berks, and Bucks being seised of Lands, Tene- " ments, or Hereditaments as aforesaid to the Value of One " hundred Pounds per Annum in Great Britain, or being Heir " Apparent of some Person having such Estate of the yearly " Value of Two hundred Pounds, or possessed of Personal " Estate to the Value of Three thousand Pounds, or being a " Holder of Loans on the said Navigation to the Amount of " Five hundred Pounds:"

And whereas the Upper Navigation Commissioners thus appointed are inconveniently numerous, and not being a Body Corporate they are ill-constituted and are individually exposed to Liabilities in respect of their Contracts and Acts, and their Powers are inadequate for the efficient Performance of the Duties assigned to them:

And whereas many of the Locks and Works under their Control are in a very bad and dangerous Condition, and in consequence thereof and of other Causes the Traffic on the Part of the Thames under

under their Authority and their Receipts from Tolls leviable in respect of that Traffic are greatly diminished, and their Income is and has long been insufficient to defray the necessary Expenses of the Repair and Maintenance of the Locks and Works, and they some Time ago discharged all or many of the Workmen employed by them and reduced the Salaries of their Officers:

And whereas if the Duties of the Conservancy of the upper Part of the Thames were efficiently performed, and the Locks and Works on the Navigation were restored and kept in good Order, and Tolls were levied on a moderate Scale and under convenient Regulations with respect to through booking of Goods and other Matters, the Traffic on the Navigation and the Income derivable therefrom would considerably increase:

And whereas the Conservancy of a Portion of the upper Part of the Thames above the Flow of the Tide, namely, from Teddington Lock in the County of Middlesex to Staines, is vested in the Conservators of the River Thames (to whom the Term "the Conservators" where used in this Act refers):

And whereas it is expedient, with a view both to Economy and to Efficiency, that the whole of the navigable Part of the Thames be placed under One Management, and that accordingly the Authority of the Upper Navigation Commissioners be discontinued, and the Conservancy of the Thames from Staines to Cricklade be vested in the Conservators with the Powers in this Act expressed or referred to, Provision being made for the Election of Conservators as Representatives of the Persons qualified to act as Commissioners under the Upper Navigation Acts, and also for the Appointment of a Conservator by the Board of Trade in addition to the one now appointed by them:

And whereas certain Owners and Occupiers of Locks, Dams, and Weirs in the Upper Navigation are or claim to be entitled to demand and receive Tolls on the Traffic on the Navigation, and are subject to the Obligation of keeping in repair those Locks, Dams, and Weirs, and it is expedient that (subject to the Provisions in this Act contained) the Traffic be relieved from those Tolls, and the Owners and Occupiers of those Locks, Dams, and Weirs be discharged from the Obligation of keeping them in repair:

And whereas certain Owners and Occupiers of Mills on the Banks of the Thames above Staines have or claim Rights of drawing off and otherwise interfering with the Water of the River, to the great Prejudice of the Navigation, and it is expedient that the Exercise of those Rights be restricted and regulated as in this Act provided:

And whereas certain Persons have or claim a Right or Privilege to fish with Nets or Bucks in Parts of the Thames above Staines, and to draw down the Water of the River for that Purpose, to the great Prejudice of the Navigation, and it is expedient that any Right of drawing down Water for that Purpose be abolished:

And whereas it is expedient that Provision be made in this Act for preventing the Pollution of the Thames between Cricklade and Staines, and that Application for another Act for preventing the Pollution of the Thames between Staines and the Western Boundary of the District, under the Authority of the Metropolitan Board of Works, be made to Parliament by the Conservators:

And whereas the Companies constituted for supplying Water within the Metropolis, and drawing Water for that Purpose from the Thames, namely, the Governor and Company of Chelsea Waterworks, the Company of Proprietors of Lambeth Waterworks, the Grand Junction Waterworks Company, the Southwark and Vauxhall Water Company, and the Company of Proprietors of the West Middlesex Waterworks (in this Act referred to as the Five Metropolitan Water Companies), have, in consideration of the Benefits which will thereby accrue to them, consented to contribute as in this Act provided:

And whereas the Upper Navigation Commissioners have borrowed large Sums of Money under the Upper Navigation Acts on Mortgage Security, and there now remains due by them in respect thereof the Sum of Eighty-eight thousand Pounds or thereabouts, but the Income of the Commissioners is and has long been insufficient to keep down the Interest thereon, so that the Rate of Interest paid was for some Years gradually reduced until Payment of Interest ceased, and considerable Sums are now due by the Commissioners for Arrears of Interest:

And whereas it is expedient that the Mortgage Debt contracted by the Commissioners be postponed to any Mortgage Debt to be contracted by the Conservators, and that the Arrears of Interest aforesaid be extinguished, and that other Provisions be made respecting the Mortgage Debt contracted by the Commissioners as in this Act expressed:

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary

Preliminary.

1. This Act may be cited as The Thames Navigation Act, 1866. Short Title.

2. In this Act— Interpretation.

The Term "the Thames" or "the River" means (unless a different Meaning is expressed or implied) the River Thames or Rivers Thames and Isis from the City Stone near Staines to Cricklade:

The Term "the Conservancy Acts" means The Thames Conservancy Acts, 1857 and 1864:

Terms to which Meanings are assigned by the Conservancy Acts, or either of them, or which have therein special Meanings, have in this Act the same respective Meanings.

Addition of Five Conservators.

3. In addition to the existing Number of Eighteen Conservators of the River Thames constituting the Body Corporate of the Conservators, there shall be Five other Conservators who shall (subject to the Provisions of this Act) severally have and be subject to all the same or the like Powers, Functions, Duties, Privileges, Obligations, Disabilities, and Disqualifications as the Eighteen Conservators aforesaid severally have or are subject to under the Conservancy Acts. Five Conservators added.

4. The Five Conservators added by this Act shall be incorporated with the existing Body Corporate of the Conservators of the River Thames, and shall with the Eighteen Conservators aforesaid constitute and be One and the same Body Corporate in like Manner in all respects as if by the Conservancy Acts Provision had been made for the Appointment of the Five Conservators added by this Act, and their Incorporation with and as Members of the Body Corporate constituted by The Thames Conservancy Act, 1857. Conservators under this Act incorporated with existing Body.

5. All the Provisions of the Conservancy Acts, or of any other Act relative to the Powers, Functions, Duties, Privileges, Obligations, or Proceedings of the Conservators as a Body, and all Acts and Proceedings done, taken, or pending by, against, or in relation to the Conservators as a Body, shall remain unaffected by the Addition to and Incorporation with that Body of the Five Conservators added by this Act, and (except only as is in this Act expressly otherwise provided) shall in all respects continue and be as if this Act had not been passed. Conservancy Acts, &c. to remain unaffected.

CLAUSE A. One of the Five Conservators to be appointed by Board of Trade.

6. Of the Conservators added by this Act One shall be appointed by the Board of Trade; and the Provisions of "The Thames Conservancy Act, 1857," relative to the Conservator appointed by the Board of Trade under that Act, shall extend and apply to the Conservator appointed by them under this Act.

Election of additional Conservators.

Constituencies for Election of Four Conservators.

7. Of the Conservators added by this Act Four shall be elected by such Persons as for the Time being respectively possess some One or more of the Qualifications required for Upper Navigation Commissioners, and as before the passing of this Act have taken and subscribed the Oaths or Affirmations by the Upper Navigation Act of 1795 required to be taken and subscribed by them respectively so as to be authorized to act as Upper Navigation Commissioners if this Act had not been passed, or as after the passing of this Act make and sign at a Conservancy Meeting a Declaration of Qualification in the Form given in the Second Schedule to this Act, or as after the passing of this Act deliver to the Secretary of the Conservators such a Declaration made and signed in the Presence of and attested by an Attorney or Solicitor of One of the Superior Courts at Westminster.

Time for First Elections.

8. On or within Seven Days after the First Day of December One thousand eight hundred and sixty-six Elections shall be held for the Four elective Conservators added by this Act.

Time for subsequent Elections.

9. On or within Seven Days after the First Day of December in the Year One thousand eight hundred and sixty-seven, and in every subsequent Year, Elections shall be held for filling up Vacancies among the Conservators elected under this Act.

Days, Hours, and Places for Elections.

10. The Days, Hours, and Places on and at which the Elections are to be held shall be appointed by the Conservators.

Notice of every such Appointment shall be published by the Conservators, and such Publication shall be completed as to each Election not less than Fourteen or more than Twenty-eight Days before the Day appointed for that Election.

Regulations by Byelaws.

11. Subject to the Provisions of this Act, the Conservators may from Time to Time, by Byelaw, regulate the Mode of conducting the Elections.

List of Electors.

12. The Electors shall be ascertained for the Purposes of each Election, as follows, namely,—

(1.) On

(1.) On or as soon as may be after the First Day of October in the Year One thousand eight hundred and sixty-six the General Clerk to the Upper Navigation Commissioners, or in default of him a Person appointed by the Board of Trade, shall, under the Superintendence of the Board of Trade, and on or as soon as may be after the same Day in every subsequent Year the Secretary of the Conservators shall, under the like Superintendence, make out a List of the Persons entitled on each First Day of October to vote at the Election of a Conservator under this Act:

(2.) The List shall contain in alphabetical Order the Surnames of the Persons so entitled, with their Christian Names and Places of Residence or Business:

(3.) The List shall be signed in the Year One thousand eight hundred and sixty-six by the General Clerk or other Person aforesaid, and in every subsequent Year by the Secretary of the Conservators, and in each Case shall be countersigned by One of the Secretaries of the Board of Trade:

(4.) The List shall be completed on or within Seven Days after the First Day of November in each Year:

(5.) The Conservators shall pay to the General Clerk or other Person aforesaid all Expenses incurred by him in making the Lists, and such Remuneration (if any) as the Board of Trade think reasonable for making the same, and shall, if required, pay all Expenses incurred by the Board of Trade in superintending the making of the Lists:

(6.) The List shall be conclusive Evidence that the Persons therein named, and no others, are entitled to vote at the Election in the Month of December next after the List is made out:

(7.) Within Seven Days after the Completion of the List, the Conservators shall cause it to be printed, and thenceforth until the Day of Election inclusive they shall cause printed Copies thereof to be sold at a reasonable Price to all Persons desiring to buy the same.

Each Elector to have One Vote.

13. Each Elector shall be entitled at each Election to One Vote and no more for each Conservator to be elected.

Qualification of Persons elected.

14. Every Male Person of full Age entitled to vote at any Election under this Act of a Conservator shall be qualified, and no other Person shall be qualified, to be elected a Conservator at that Election.

 15. A Vote

Vote to be given personally or by proxy.

15. A Vote at any Election may be given either by the Elector personally or by another Elector as his Proxy.

The Appointment of a Proxy shall be made by an Instrument in Writing (in the Form given in the Second Schedule to this Act, with such Variations as Circumstances require), duly stamped, signed by the Appointor, and attested by One Witness at least.

An Instrument appointing a Proxy shall not be used at any Election unless it has been deposited at the Office of the Conservators not less than Forty-eight Hours before the Day appointed for that Election.

Any such Instrument shall not be valid except for the Election next after the Date of its Execution.

Returning Officer and Return by him.

16. At the Elections the Deputy Chairman of the Conservators, and, in his Absence, such One of the Conservators as the Conservators appoint for the Purpose, shall be the Returning Officer.

The Returning Officer shall according to the best of his Judgment and Ability make a true Return in Writing to the Conservators of the Person or Persons elected, and every Person so returned shall be deemed duly elected.

If in any Case there is an Equality of Votes for Two or more Candidates for Election to fill One Vacancy there shall be deemed to be a Failure to elect.

Provision for Nondelivery of List.

17. In case any Election is prevented from being held in conformity with this Act, by reason of any List by this Act required not being made out and completed in conformity with this Act, or by reason of any other Accident or Circumstance, there shall be deemed to be a Failure to elect.

Expenses to be paid by Conservators.

18. The Expenses incurred in obtaining or printing Lists of Electors, or in providing Places for Elections, or by the Returning Officer, or otherwise, by or on behalf of the Conservators in relation to Elections under this Act, shall be deemed Part of the Expenses of the Execution of this Act, and shall be defrayed by the Conservators accordingly.

Mode of Publication of Notices &c. by Conservators.

19. Where the Conservators are by this Act required to publish any Notice respecting Elections, they shall do so by inserting the same as an Advertisement once in each of Two successive Weeks in some daily Morning Newspaper published in London or Middlesex, and once in each of the same Weeks in some Newspaper published in the County of Berks; and the Publication shall be deemed to be completed on the Day on which the Second Advertisement in the last-mentioned Newspaper appears.

20. One

Duration of Office of additional Conservators.

20. One of the Four Conservators elected under this Act at the First Election shall go out of Office at the Second Election, One at the Third Election, One at the Fourth Election, and the Fourth at the Fifth Election.

The Conservators to go out at the Second, Third, and Fourth Elections respectively shall be determined by Agreement among or between those elected at the First Election and for the Time being in Office, or, in default of Agreement, by Lots drawn at a Conservancy Meeting by the Secretary of the Conservators.

The Conservator elected at the Second and every subsequent Election shall go out at the Fourth Election after his Election.

Every Conservator going out under this Section shall be re-eligible.

Appointment by Conservators in case of Failure to elect.

21. In case for any Reason on any Occasion there is a Failure to elect a Conservator in conformity with this Act, the Conservators shall, within One Month after such Failure, appoint as Conservator a qualified Person.

Every such Appointment shall be made at a Conservancy Meeting, Notice whereof shall be given in manner required for Special Meetings.

Every Conservator so appointed shall, for the Purposes of this Act, in all respects be as if he had been elected in conformity with this Act.

Mode of supplying casual Vacancies.

22. Section Seven of The Thames Conservancy Act, 1857, shall not apply to a Conservator elected under this Act. If any such Conservator dies or resigns, or if his Office is vacated from any Cause other than that of his going out of Office by Effluxion of Time or by Rotation, the Conservators may, if they think fit, within One Month after the happening of such Vacancy, appoint in his Place a qualified Person.

Every such Appointment shall be made at a Conservancy Meeting, Notice whereof shall be given in manner required for Special Meetings.

Every Conservator so appointed shall continue in Office only as long as the Person in whose Place he is appointed would have been entitled to continue in Office.

Vacation of Office by Loss of Qualification.

23. If any Conservator elected or appointed by the Conservators under this Act ceases to possess the Qualification requisite for his Election or Appointment as a Conservator, his Office shall be thereby vacated.

Error in Elections not to vitiate Acts done.

24. Any Act of the Conservators or any of them shall not be invalidated or be illegal by reason of any Irregularity in the Election or Appointment under this Act of any Conservator, or by reason of the Non-delivery of, or the too late Delivery of, or any Error in, any List of Electors, or by reason of any Irregularity in the making or publishing of any such List, or by reason of any Person not qualified or ceasing to be qualified acting as a Conservator, or by reason of any Failure or Omission on any Occasion to elect or appoint any Conservator under this Act, or by reason of any other Irregularity, Error, Failure, or Omission in or about any Election, or in or about any Matter preliminary or incidental thereto.

Transfer of Works, &c., to Conservators.

Transfer of Works, Powers, &c. of Upper Navigation Commissioners to Conservators.

25. Subject to the Provisions of this Act, the Locks, Canals, Works, Toll Houses, Real and Personal Property, Powers, Authorities, Privileges, Exemptions, Rights of Action and Suit, and all other the Rights and Interests of the Upper Navigation Commissioners, shall be and the same are hereby absolutely transferred to and vested in the Conservators of the River Thames, and the same may and shall be held, used, exercised, and enjoyed by the Conservators in the same Manner and to the same Extent as the same respectively at the passing of this Act are or if this Act had not been passed might be held, used, exercised, and enjoyed by the Upper Navigation Commissioners.

Upper Navigation Acts continued and applied to Conservators.

26. The Upper Navigation Acts shall (except as far as they are by this Act expressed to be varied or repealed) remain in full Force; and all Matters to be done, continued, or completed, or which but for the passing of this Act would, might, or could be done, continued, or completed by the Upper Navigation Commissioners, or any Committee of them, their Officers or Servants, under or by virtue of those Acts, shall or may (as the Case requires) be done, continued or completed by the Conservators, their Officers and Servants; and those Acts, and every other Act as far as it relates to or affects the Commissioners or the Upper Navigation, shall be construed as if the Conservators had been named therein in relation to the Upper Navigation instead of the Commissioners.

Discontinuance of Upper Navigation Commissioners.

Upper Navigation Commissioners discontinued.

27. From the passing of this Act the Upper Navigation Commissioners shall no longer act or have any Power or Authority to act in the Execution of the Upper Navigation Acts or any of them, and

and all the Provisions of those Acts or any of them relative to the following Matters or any of them, namely,—

The Times and Places for the Meetings of the Commissioners, and the Appointment and Adjournment of their Meetings:

The Sub-meetings or District Meetings and Committees for Districts of the Commissioners, and their respective Powers, Duties, and Authorities, and Appeals from them:

The Appointment of Clerks of the Peace as Clerks to the Commissioners:

The Appeals from the Orders, Determinations, and Judgments of the Commissioners:

The Alteration, Repeal, or annulling of the Orders, Rules, or Regulations of the Commissioners, and the Mode in which the same are to be written, printed, recorded, or kept:

shall cease to operate, and notwithstanding anything in this Act the same or any of them shall not apply to the Conservators.

Repeal of Parts of Upper Navigation Acts.

28. The following Parts of the Upper Navigation Acts shall be and the same are hereby repealed, namely,—

Of the Upper Navigation Act of 1771 (Section Six) so much as requires the Commissioners to appoint a General Treasurer and a General Surveyor of the Navigation, and One Person for each District to be Clerk to the Commissioners acting therein:

Of the same Act Section Nine (relating to the Price to be paid for the Passage of Barges and other Vessels, and to the Obligation on the Owners or Occupiers of Locks to keep in repair the several Locks and Weirs then in the Rivers Thames and Isis, and to Marks for regulating the lowering of the Water):

Of the same Act (Section Ten) so much as empowers any Person to draw down the Water for any Purpose:

Of the same Act Sections Twelve and Thirteen (relating to the Payment of Tolls to Lock Owners):

Of the Upper Navigation Act of 1788 (Section Seven) so much as directs the Commissioners to distinguish the Tolls for the Use of the Locks, Pound Locks, Turnpikes, Bars, or Weirs from those for Towing-paths, Ways, Ferries, and Bridges:

Of the same Act (Section Eight) so much as relates to the Tolls, Rates, and Duties to be taken by the Owners and Occupiers of Locks:

Of the same Act Sections Fourteen and Fifteen (containing Regulations respecting Tolls):

Of the Upper Navigation Act of 1795 Sections Four to Eight both inclusive (relating to Tolls):

Of the same Act Sections Twenty-six to Thirty both inclusive, (relating to the Oaths of Commissioners).

Recovery of Tolls, &c. due to Commissioners.

29. All Tolls, Rates, Duties, Debts, and Money at the passing of this Act due or payable to the Upper Navigation Commissioners, or any Persons on their Behalf, shall be payable and paid to the Conservators, and shall be recoverable by the Conservators by the same Ways and Means and subject to the same Conditions as the same would or might have been recoverable by the Commissioners if this Act had not been passed.

Deeds, Contracts, &c. continued in force.

30. Subject to the Provisions of this Act, all Deeds, Conveyances, Grants, Assignments, Leases, Purchases, Sales, Mortgages, Bonds, Covenants, Agreements, Contracts, and Securities which before the passing of this Act have been duly and legally executed, made, or entered into by, with, or in relation to the Upper Navigation Commissioners, or any of them, and which are in force at the passing of this Act, and all Obligations and Liabilities which before the passing of this Act have been incurred by or to or which but for this Act might or would have arisen in relation to the Commissioners, or any of them, shall, as from the passing of this Act, be as valid and of as full Force in favour of, against, or in relation to the Conservators as if the same had been executed, made, or entered into by, with, or to, or in relation to, or had been incurred by or to or had arisen in relation to the Conservators, and as from the passing of this Act the Upper Navigation Commissioners shall be and they and every of them are and is hereby absolutely released from all such Obligations and Liabilities.

Causes of Action, &c. preserved.

31. Subject to the Provisions of this Act, all Causes and Rights of Action or Suit accrued before the passing of this Act, and at the passing of this Act in any Manner enforceable by, for, or against the Upper Navigation Commissioners, shall as from the passing of this Act be and remain as good, valid, and effectual for or against the Conservators as they would or might have been for or against the Commissioners if this Act had not been passed.

Actions not to abate.

32. Nothing in this Act shall cause the Abatement, Discontinuance, or Determination of, or in anywise prejudicially affect any Action, Suit, or other Proceeding at Law or in Equity commenced by or against the Commissioners before the passing of this Act and pending at the passing of this Act, but the same may

may be continued, prosecuted, or enforced by or against the Conservators.

Prosecution for Offences.

33. All Persons having committed Offences against any of the Provisions of the Upper Navigation Acts before the passing of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for and recovered under this Act, in like Manner as nearly as may be as if the same had been committed after the passing of this Act.

Completion of unexecuted Works.

34. All Works which the Upper Navigation Commissioners, or any of them, are at the passing of this Act authorized or bound to execute and complete, and which are not then executed and completed, may be executed or completed by the Conservators, and for that Purpose the Conservators shall have all the Powers and Rights which were conferred on the Commissioners, and which but for the passing of this Act might have been exercised by the Commissioners.

Officers to be accountable for Books, &c.

35. All Officers and Persons who on the First Day of February One thousand eight hundred and sixty-six had, or at the passing of this Act have, in their Possession or under their Control any Books, Papers, Documents, or Effects belonging to the Upper Navigation Commissioners, or to which the Commissioners but for this Act would have been entitled, shall, as from the passing of this Act, be liable to account for and deliver up the same to the Conservators in the same Manner and subject to the same Consequences on Refusal or Neglect as if those Officers and Persons had been appointed by or become possessed of the same Books, Papers, Documents, or Effects for the Conservators; and if any Person fails to account for or deliver up any such Book, Paper, Document, or Effects, he shall be liable to a Penalty not exceeding One hundred Pounds, to be recovered, with Costs, at the Suit of the Conservators, without Prejudice to any other Proceeding against him.

Books to be Evidence.

36. All Books and Documents which if this Act had not been passed would have been Evidence in respect of any Matter for or against the Upper Navigation Commissioners shall be admitted in Evidence in respect of the same or the like Matter for or against the Conservators.

Byelaws, &c. to remain in force.

37. All the Byelaws, Rules, Orders, or Regulations of the Upper Navigation Commissioners relating to the Management, Use, or Control of the Upper Navigation, shall, notwithstanding this Act,

continue to be in force and applicable to and in respect of that Navigation, and shall and may be enforced by and available to the Conservators in their own Names, as well for the Recovery of Penalties as for all other Purposes, as if the same had been originally made by the Conservators, until other Byelaws, Rules, or Regulations are made by the Conservators in their Stead.

Powers of Conservators.

Conservators to have Powers of Meetings, Committees, &c. of Commissioners.

38. The Conservators shall have and may exercise all the Powers by the Upper Navigation Acts expressed to be conferred on the Upper Navigation Commissioners assembled in Meeting or otherwise, or on any Meeting, Sub-Meeting, or District Meeting of the Commissioners, or on any Committee, or on any Majority or any Number of the Commissioners.

Documents requiring Signatures to be sealed.

39. Where by the Upper Navigation Acts the Signatures of any Number of the Upper Navigation Commissioners are requisite to any Document, the Common Seal of the Conservators shall be affixed to that Document, if required under this Act, in lieu of those Signatures.

Transfer of Powers of Surveyor, &c.

40. All Powers and Duties by the Upper Navigation Acts, or any of them, conferred or imposed on the Surveyor and Treasurer respectively of the Commissioners shall be and the same are hereby conferred and imposed on the Engineer and Secretary respectively of the Conservators.

Conservancy Acts extended to Upper Thames.

41. From the passing of this Act the Conservators shall have the same or the like Powers and Authorities over and with respect to the Thames and Isis from Staines to Cricklade as they have over and with respect to the Thames below Staines; and all the Provisions of the Conservancy Acts shall extend and apply, mutatis mutandis, to the Thames and Isis from Staines to Cricklade, and those Acts shall be read and have Effect together with this Act as One Act, as nearly as may be as if the Conservancy of the Thames and Isis from Staines to Cricklade had been comprised in The Thames Conservancy Act, 1857, and had been accordingly thereby vested in the Conservators; and for this Purpose—

The Expression "this Act" where used in either of the Conservancy Acts shall be taken to include the present Act:

The Expression "River Thames," or "River," where used in either of the Conservancy Acts, shall be taken to include the Thames as defined by this Act:

The

The Word "Shores" where used in either of the Conservancy Acts shall be taken to include the Shores of the Thames as defined by this Act:

Save that nothing in this Act shall extend to the Thames as defined by this Act the Provisions of Section Fifty-eight, One hundred and three, One hundred and four, or One hundred and sixty-six of The Thames Conservancy Act, 1857.

Byelaws to be made under Conservancy Acts.

42. The Provisions of the Conservancy Acts respecting Byelaws shall extend and apply to Byelaws for the Purposes of the Upper Navigation Acts or this Act.

Conservators to repair Dams, &c. in lieu of Millowners, &c.

43. On the passing of this Act the Property in all Locks, Dams, and Weirs then existing in or on the Stream or Bed of the Thames (as far as the same is not then vested in the Commissioners) shall be and the same is hereby absolutely transferred to and vested in the Conservators, who shall maintain and repair those Locks, Dams, and Weirs unless and until removed by lawful Authority, and all Obligation on any Person as Owner or Occupier thereof or of any Mill or Lands to maintain and repair those Locks, Dams, and Weirs or any of them shall absolutely cease; and the Conservators shall have free Access by Land and Water to every such Lock, Dam, or Weir, for the Purposes of Repair and other necessary Pursoses; provided always, that if any Person having or claiming any Estate in any such Lock, Dam, or Weir, within Three Months after the passing of this Act, gives Notice in Writing to the Conservators that he objects to the vesting of such Lock, Dam, or Weir in them, then and in every such Case the following Provisions shall have Effect:

(1.) The Conservators may, if they think fit, by Deed disclaim such Lock, Dam, or Weir, and thereupon the same shall be and remain as if this Section had not been inserted in this Act:

(2.) If the Conservators do not so disclaim any such Lock, Dam, or Weir, then it shall be referred to an Arbitrator appointed by the Board of Trade to determine whether or not the same should be retained by the Conservators, and if so, on what Terms or Conditions, and the Award of the Arbitrator shall be final and binding:

(3.) If in any such Case the Arbitrator awards that the Lock, Dam, or Weir should not be retained by the Conservators, they shall forthwith by Deed release the same, and thereupon the same shall be and remain as if this Section had not been inserted in this Act:

(4.) The Costs of every such Arbitration shall be in the Discretion of the Arbitrator.

CLAUSE B. Provision for Compensation to Owners of Weirs, &c.

44. Provided also, That if any Person having or claiming any Estate in any such Lock, Dam, or Weir, within Six Months after the passing of this Act, gives Notice in Writing to the Conservators that he claims Compensation in respect of the vesting in them of such Lock, Dam, or Weir, then in case the Parties differ it shall be referred to an Arbitrator appointed by Agreement, or in default of Agreement by the Board of Trade, on the Application of either Party, to determine the Amount of and Title to such Compensation; and in assessing the Amount of such Compensation, if any, the Arbitrator shall have regard to the State of Repair of such Lock, Dam, or Weir, and to the Period likely to elapse before any further Outlay thereon for permanent Repairs will be requisite; and the Arbitrator shall determine in what Manner and on or out of what Fund or Property the Compensation, if any, shall be charged or paid, and the Decision of the Arbitrator shall be final, and the Costs of the Arbitration shall be in his discretion.

CLAUSE C. Provision as to drawing down of Water for Repairs, &c. of Mills.

45. Notwithstanding anything in this Act, and until it is otherwise provided by Byelaw, any Owner or Occupier of any Mill may draw down the Water to such Extent and at such Times as may reasonably be required for the Repair of such Mill, or any Floodgates or Waterworks belonging thereto, and for the Purpose of cleansing the Mill-stream.

CLAUSE D. Provision as to passing through disused Portions of Navigation.

46. Provided always, That the vesting by this Act of any Lock, Dam, or Weir in the Conservators shall not give to any Persons other than the Conservators, their Agents or Servants, the Right to pass and repass in Boats to or from any Lock, Dam, or Weir, at the passing of this Act, the Property of any individual Owner, over any Portion of the Thames that has ceased to be navigable since the Use of such Lock, Dam, or Weir, for the Navigation of the Thames, was discontinued, or to land upon such Lock, Dam, or Weir, or take away or interfere with any Right of Way existing at the passing of this Act to or over any Lock, Dam, or Weir for the Time being existing in or on the Stream or Bed of the Thames.

CLAUSE E. Saving for Trees, &c. at Temple Weir.

47. Provided always, That notwithstanding the vesting in the Conservators of the present Locks, Dams, and Weirs on the Thames, it shall not be lawful for the Conservators to cut down or destroy the Trees and Shrubs on the Embankment and Eyots at Temple Lock and Weir, except as far as may be necessary for the Preservation

vation of the Waterway of the Navigation, or to alter or impair the ornamental Character of such Embankment and Eyots.

CLAUSE F. For Protection of George Charles Cherry, Esquire.

48. The Conservators shall always maintain the present Communication or an equally convenient one between the Lands in the Parishes of Little Wittenham and Dorchester respectively, now belonging or claimed to belong to George Charles Cherry, Esquire; and nothing in this Act shall injuriously affect any Right of Fishery now belonging or claimed to belong to the said George Charles Cherry in reversion or otherwise.

Power for Conservators to regulate drawing down, &c. of Water.

49. Notwithstanding anything in any of the Upper Navigation Acts, the Conservators may regulate as they think fit the opening, shutting, and Management of the Locks and Works on the Thames, and the drawing down or keeping back of the Water by means of any of those Locks and Works, but so as not to interfere in the Case of any Mill with the Maintenance of as efficient a Head of Water for the Purposes thereof as at the passing of this Act may lawfully be maintained for those Purposes; and in case of any Difference between the Conservators and any Mill Owner relative to the Exercise of the Powers by this Section vested in the Conservators, the same shall be determined by an Arbitrator appointed by the Board of Trade, whose Decision shall be final.

CLAUSE G. Provision for Control by Water Companies of Works of Conservators.

50. In case at any Time after the passing of this Act any Work is done or executed, or proposed to be done or executed, by the Conservators, which, in the Opinion of any of the Five Metropolitan Water Companies, will injuriously affect either the Flow or the Purity of the Water of the Thames, above or at the Place where such Company draws its Supply, the Company may give Notice in Writing, under its Common Seal, to the Conservators, requiring them to alter such Work, or not to do or execute the proposed Work, as the Case may be; and thereupon the Matter shall be referred to some competent and impartial Engineer nominated in that Behalf by the Board of Trade, who shall decide what shall be done in the Premises, and whose Decision shall be final, and the Costs of every such Reference shall be in the Discretion of the Referee.

CLAUSE H. Surface of River to be scavenged.

51. The Conservators shall cause the Surface of the Thames to be (as far as is reasonably practicable) effectually scavenged, in order to the Removal therefrom of Substances liable to Putrefaction.

CLAUSE I. Power for Conservators to enter on Lands to survey, &c.

52. For the Purposes of this Act, the Conservators, their Engineers, Surveyors, Agents, Servants, and Workmen, may, at all reasonable Times, enter on any Lands near the Thames in order to Survey and take Levels thereof, and to probe or bore for ascertaining

ing the Nature of the Soil, and to set out the Line of any Work, the Conservators first giving not less than Three or more than Fourteen Days Notice in Writing to the Occupier of such Lands, and causing as little Inconvenience as may be in the Exercise of the Powers of this Section, and making Compensation for any Damage thereby occasioned.

CLAUSE K. Provision as to Land Drainage above Oxford.

53. If in any Case where the Consent of the Conservators is requisite for any Purpose under "The Land Drainage Act, 1861," as affecting the Thames above the City of Oxford, such Consent is not given, the Body or Person desiring to obtain such Consent may apply to the Board of Trade, who shall direct whether or not such Consent is to be given, and if so, on what Terms or Conditions, and the Conservators shall follow the Directions of the Board of Trade.

CLAUSE L. Provision as to Buscot and Eaton Weirs.

54. Provided, That nothing in this Act contained shall take away or diminish any Right and Property now enjoyed by and vested in Robert Campbell, Esquire, of Buscot Park, his Heirs and Assigns, in and over Buscot Weir and Eaton Weir, in the County of Berks, and the Locks and Works connected therewith respectively; or the Liability to repair and amend the said Locks and Weirs, and the Works connected therewith; or any Right and Privilege enjoyed by him, of damming up the Waters of the River Thames at the said Weirs; and the following Provisions shall relate to the said Weirs:

(a.) Any Property, Right, and Privilege hereby reserved to the said Robert Campbell, his Heirs and Assigns, shall not be used or exercised, excepting for the Purpose of working Water Wheels at Buscot and Eaton respectively:

(b.) In the Exercise of any such Right and Privilege the said Robert Campbell, his Heirs and Assigns, shall obey all Byelaws, Rules, and Regulations made by the Conservators:

(c.) It shall no longer be lawful for the said Robert Campbell, his Heirs or Assigns, to demand or receive the Toll or Payment hitherto levied by him on Vessels passing the said Locks and Weirs, or to demand or receive any other Toll or Payment with respect to Vessels passing by or through the same.

Tolls.

Power to take Tolls for Vessels, &c.

55. The Conservators may from Time to Time demand and receive, in respect of Vessels, Goods, and Things navigating or carried on the River, Tolls and Charges to be from Time to Time appointed by Byelaw, and until any such Byelaw is made may from Time to Time demand and receive in respect of those Vessels,

Vessels, Goods, and Things Tolls and Charges not exceeding those which the Upper Navigation Commissioners are at the passing of this Act authorized to demand and receive.

Power to make Arrangements as to Tolls.

56. The Conservators, in conformity with any Byelaws regulating the Receipt of Tolls and Charges under this Act, may from Time to Time enter into and execute Agreements with Persons liable to pay Tolls or Charges, with respect to the Mode and Times for the Collection and Payment of Tolls or Charges, or the Payment of annual or other periodical Sums by way of Composition for any Tolls or Charges, and may from Time to Time make such Arrangements as they think fit respecting the levying of Tolls or Charges on Traffic passing from the Upper Navigation down the Thames or vice versâ.

Provided always, that the Conservators shall not, by or under any such Agreement or Arrangement, make or give any undue or unreasonable Preference or Advantage to or in favour of any particular Person or any particular Description of Traffic in any respect whatsoever, or subject any particular Person or any particular Description of Traffic to any undue or unreasonable Prejudice or Disadvantage in any respect whatsoever.

If any Person, liable to pay any Tolls or Charges, thinks himself aggrieved by any such Agreement or Arrangement, or by anything done in pursuance thereof, he may apply to the Board of Trade, and the Conservators shall follow the Directions of the Board of Trade in the Matter.

Abolition of Tolls of old Lock Owners.

57. From and after the passing of this Act, it shall not be lawful for any Person by virtue of any Right or Claim as Owner or Occupier of any Lock, Dam, or Weir in or on the Stream or Bed of the Thames to demand or receive any Toll or Payment on or in respect of any Vessel passing by or through that Lock, Dam, or Weir.

Payments by the Water Companies.

Clause M Contributions by the Five Water Companies.

58. The Five Metropolitan Water Companies shall each pay to the Conservators the annual Sum of One thousand Pounds, payable by equal half-yearly Payments on the Twenty-fourth Day of June and the Twenty-fifth Day of December in every Year, the first half-yearly Payment to become due on the Twenty-fifth Day of December One thousand eight hundred and sixty-six, such Payments to be irrespective of and in addition to any Payments otherwise payable to the Conservators by the Five Companies or any of them.

Clause N. Contributions of Companies to be First Charge

59. The Payments to be made under this Act by the Five Metropolitan Water Companies respectively shall be the First Charge

on their Receipts after existing Debts, &c.

Charge on the net Receipts of the respective Companies, after and subject only to any Debts or Charges at the passing of this Act payable thereout or charged thereon respectively, and in Priority to any Claim of any Shareholders, Stockholders, Proprietors, or Members of or in the respective Companies to any Dividend or Share of Profits or Receipts; and from and after the Twenty-fifth Day of December One thousand eight hundred and sixty-six it shall not be lawful for any of those Five Companies at any Time to pay or divide any Dividend or Share of Profits or Receipts to or among any Shareholders, Stockholders, Proprietors, or Members of or in that Company, unless and until the same Company have paid to the Conservators the half-yearly Payment accrued due from that Company under this Act at the then last preceding Twenty-fourth Day of June or Twenty-fifth Day of December, as the Case may be.

CLAUSE O. Payments of Companies to be without Deduction, and free from Taxes, &c.

60. The half-yearly Payments to be made as aforesaid by the Five Metropolitan Water Companies respectively shall be made without Deduction; and all Sums so paid shall, in the Hands of the Conservators, be free from all Parliamentary, Parochial, and other general and local Taxes, Rates, and Assessments whatever.

CLAUSE P. Power for Bodies Corporate, &c. to contribute.

61. Any Body Corporate, Commissioners, or other Body, and any Trustees or other Persons, may from Time to Time contribute out of or by means of the Funds or Property under their respective Management or Control, and lawfully at their Disposal for this Purpose, or belonging to them, such Sums of Money in such Form and on such Terms and Conditions as they think fit (but not so as to prejudice any Right or Interest of any Person), towards the Cost of such Improvements in or relating to the Thames under this Act, as they deem beneficial to any Lands under their Management or held by them, or to the Inhabitants of any Town or District in or adjoining to which those Lands are situate.

CLAUSE Q. Provision for Compensation to Robert Danbe.

62. Provided always, That the Conservators shall make Compensation for any Tolls or Payments to or in which Robert Danbe, of the Weirs near the City of Oxford, Publican, is entitled or interested, and which are abolished by this Act, according to the Value thereof, as they stood before the Notice given for this Act, and the Amount of and Title to such Compensation, and the Form thereof, (whether by annual Payment or by a gross Sum, or partly in one way and partly in the other,) shall be determined by an Arbitrator appointed by the Board of Trade, on the Application of the said Robert Danbe [or his Representatives or Assigns, made within Three Months after the passing of this Act, and the Amount thereof shall, notwithstanding anything in this Act, be charged on

on, and paid out of, the Tolls and Charges leviable by the Conservators under this Act, in priority to all other Charges and Payments on or out of the same, except the Expenses of the Repair and Maintenance of the Works vested in the Conservators by this Act, and the Interest on any Mortgage Debt contracted by the Conservators for such Repair and Maintenance; and, notwithstanding anything in this Act, the Conservators may, if they think fit, redeem such Compensation (if in the Form of annual Payment) on such Terms as the Conservators and the said Robert Danbe, his Representatives or Assigns, agree on, and for that Purpose the Conservators may apply any Funds coming to them under this Act.

Pollution of Water.

Prohibition of sending Sewage &c. into River where not so sent at passing of Act.

63. From and after the passing of this Act, it shall not be lawful for any Person to do any of the following Things, namely,—

(1.) To open into the Thames any Sewer, Drain, Pipe, or Channel, with Intent or in order thereby to provide for the Flow or Passage of Sewage, or of any other offensive or injurious Matter:

(2.) To cause, or, without lawful Excuse, the Proof whereof shall lie on the Person accused, suffer any Sewage or any Matter aforesaid to flow or pass into the Thames down or through any Sewer, Drain, Pipe, or Channel not at the passing of this Act used for that Purpose:

(3.) To open into any River, Stream, Cut, Dock, Canal, or Watercourse communicating with the Thames at any Point within Three Miles of the Thames, measured in a direct Line therefrom, any Sewer, Drain, Pipe, or Channel, with Intent or in order thereby to provide for the Flow or Passage of Sewage or of any Matter aforesaid in such Manner that the same will be carried or be likely to be carried by, through, or out of that River, Stream, Cut, Dock, Canal, or Watercourse into the Thames:

(4.) To cause, or, without lawful Excuse, the Proof whereof shall lie on the Person accused, suffer any Sewage or any Matter aforesaid to flow or pass into any such River, Stream, Cut, Dock, Canal, or Watercourse at any Point within the Distance aforesaid, down or through any Sewer, Drain, Pipe, or Channel not at the passing of this Act used for that Purpose, in such Manner that the same will be carried or be likely to be carried by, through, or out of that River, Stream, Cut, Dock, Canal, or Watercourse into the Thames.

If any Person does any Act or Thing in contravention of this Enactment he shall for every such Offence be liable on summary Conviction to a Penalty not exceeding One hundred Pounds, and to a further Penalty not exceeding Fifty Pounds for every Day during which the Offence is continued after the Day on which the First Penalty is incurred.

Notice for Discontinuance of existing Sewerage Works.

64. Whenever any Sewage or any other offensive or injurious Matter is caused or suffered to flow or pass into the Thames, or is caused or suffered to flow or pass into any River, Stream, Cut, Dock, Canal, or Watercourse communicating with the Thames, at any Point within Three Miles of the Thames, measured in a direct Line therefrom, in such Manner that the same is carried or is likely to be carried into the Thames, then and in every such Case the Conservators within a reasonable Time after Knowledge of the Fact shall and they are hereby required to give Notice in Writing under their Common Seal to the Person causing or suffering the same so to flow or pass, to the Effect that they require him to discontinue the Flow or Passage thereof as aforesaid within a Time to be specified in the Notice, not being in any Case less than Twelve Months or more than Three Years; provided that the Conservators may, if they think fit, at any Time and from Time to Time, extend the Time specified in the Notice, by Writing under their Common Seal; but nothing in this Section shall authorize the Conservators, until the Expiration of Six Months after the passing of this Act, to give to the Owner or Occupier of any Mill or Work a Notice requiring him to discontinue the Flow or Passage as aforesaid of any Liquid Matter produced or used in the Manufacture of Paper or in any Process incidental thereto.

Penalty for Disregard of Notice.

65. Subject to the Provisions of this Act, any Person to whom any such Notice is given by the Conservators shall, notwithstanding anything in any other Act, discontinue the Flow or Passage of the Sewage or other offensive or injurious Matter to which the Notice refers, and if any Person fails to do so he shall be guilty of a Misdemeanour, and shall be liable, on summary Conviction thereof before Two or more Justices, or on Conviction thereof on Indictment, to a Penalty not exceeding One hundred Pounds, and to a further Penalty not exceeding Fifty Pounds for every Day during which the Offence is continued after the Day on which the First Penalty is incurred.

Clause R. Power to obtain Extension of Time.

66. Provided always, That if any Person to whom any such Notice is given thinks himself aggrieved by reason of the Time allowed, either by the original or by any subsequent Notice, not being

being sufficient to enable him to discontinue the Flow or Passage of the Sewage or other offensive or injurious Matter to which the Notice refers, he may, not later than One Month before the Expiration of the Time so allowed, by Writing delivered to the Secretary of the Conservators, demand an Extension of such Time; and in case the Conservators refuse to comply with such Demand the Matter shall be referred to an Arbitrator appointed by Agreement, or, failing Agreement, by the Board of Trade, on the Application of either Party, and the Decision of the Arbitrator shall be final, and the Costs of the Reference shall be in the Discretion of the Arbitrator.

Power for Removal of Proceedings by Certiorari.

67. Notwithstanding anything in The Thames Conservancy Act 1857, (Section One hundred and sixty,) any Proceeding in pursuance of this Act in respect of such a Misdemeanour as aforesaid may be removed by Certiorari into Her Majesty's Court of Queen's Bench at Westminster; and notwithstanding anything in the same Act (Section One hundred and sixty-two), the Court of Quarter Sessions shall hear and determine with a Jury any Appeal brought against any Adjudication or Determination in respect of such a Misdemeanour as aforesaid.

Right to prosecute to be in Conservators only.

68. It shall not be competent for any Person, other than the Conservators, their Officers, Attorneys, Solicitors, or Agents, to institute or carry on any Proceeding or Prosecution under the Provisions of this Act relative to the Flow or Passage of Sewage or of any Matter aforesaid.

Saving for other Remedies.

69. Nothing in the Provisions of this Act relative to the Flow or Passage of Sewage or of any Matter aforesaid shall be deemed to legalize or permit any Nuisance, or shall take away or prejudicially affect any Remedy or Right which the Conservators or any Person would or might have had or exercised if this Act had not been passed, as against the Person for the Time being causing or suffering the Flow or Passage thereof.

Borrowing Power.

Power to borrow on Mortgage of Tolls.

70. In order to defray the Expenses of executing this Act, the Conservators may from Time to Time borrow at Interest on the Security of the Tolls and Charges leviable and other Income receivable by them under this Act, or any Part thereof, such Sums of Money as they think requisite for the Execution of this Act, (over and above any Money which they are for the Time being authorized to borrow independently of the present Enactment,)

and may mortgage the Tolls leviable and other Income receivable by them under this Act, or any Part thereof, to secure the Repayment of the Money so borrowed with Interest accordingly.

Incorporation of Part of Commissioners Clauses Act.

71. The Provisions of The Commissioners Clauses Act, 1847, with respect to the Mortgages to be executed by the Commissioners, as far as the same are applicable for the Purposes and are not inconsistent with the Provisions of this Act, are hereby incorporated with this Act.

Power to borrow from Public Works Loan Commissioners.

72. The Conservators may borrow from the Public Works Loan Commissioners, and those Commissioners may lend to them, such Sum of Money as the Public Works Loan Commissioners think fit for the Purposes of this Act.

Instalments or Sinking Fund.

73. Except with respect to Money borrowed from the Public Works Loan Commissioners, the Conservators shall pay off any Money borrowed by them under this Act, either by Instalments or by means of a Sinking Fund invested in Government Securities, and increased by Accumulation in the way of Compound Interest, or otherwise, as follows, that is to say,—as to any Money borrowed before the Thirty-first Day of December One thousand eight hundred and seventy-six, within Fifty Years from that Date, and as to any Money borrowed after that Date within Fifty Years after the same is borrowed.

Power to reborrow.

74. If the Conservators at any Time pay off otherwise than by Instalments or a Sinking Fund any Money borrowed by them, they may from Time to Time reborrow the same, or any less Amount, in manner aforesaid, and so toties quoties, but so that the total Amount at any One Time borrowed by them under this Act and remaining unpaid shall not exceed the maximum Amount by this Act authorized to be borrowed.

Power to Mortgage Lands, &c.

75. Any Lands or other Property vested in or acquired by the Conservators by or under this Act, or any Part thereof, may be made, either alone or with the Tolls leviable under this Act or any Part thereof, a Security for any Money borrowed by the Conservators under this Act on such Terms and Conditions as the Conservators and any Lender of Money from Time to Time agree on.

Money borrowed under this Act to be First Charge.

76. Any Money borrowed by the Conservators under this Act shall be a Charge on the Tolls, Lands, and Property mortgaged by the Conservators to secure the Repayment thereof in Priority to any Charge existing thereon at the passing of this Act.

77. The

Collateral Security on Conservancy Fund.

77. The Conservators may from Time to Time, if they think fit, agree with any Lender of Money to them under this Act to give him a Security for that Money, with Interest, on the Conservancy Fund created under the Conservancy Acts, subject to and after any Charge for the Time being subsisting thereon under the Conservancy Acts, and on such Terms as the Conservators and any such Lender agree on, and may in every such Case give such a Security accordingly; and the Provisions of The Thames Conservancy Act, 1857, relative to Mortgages of the Conservancy Fund shall extend and apply as far as Circumstances admit to every such Security.

Commissioners Mortgage Debt.

Charge on Tolls of Commissioners Mortgage Debt.

78. The Mortgage or Bond Debt contracted by the Upper Navigation Commissioners and now remaining unpaid (not exceeding the Sum of Eighty-eight thousand four hundred Pounds), with Interest from the passing of this Act at the Rate of Three Pounds Ten Shillings per Centum per Annum, shall be a Charge on the Tolls and Charges leviable under this Act, subject to and after any Charge thereon for the Time being created by the Conservators under this Act.

Issue of postponed Mortgages.

79. The Conservators shall at the Request of any Holder of any Portion of the Mortgage or Bond Debt aforesaid, and on Delivery up by him of any Security for the same held by him, execute and deliver to him a postponed Mortgage of the Tolls leviable under this Act and of the Property held by the Upper Navigation Commissioners and transferred to the Conservators by this Act, the same to bear Interest at the Rate aforesaid; and the Provisions of this Act and of The Commissioners Clauses Act, 1847, incorporated with this Act, relative to Mortgages, shall extend and apply, as far as Circumstances admit, to the postponed Mortgages issued under this Enactment.

Interest to be charged on Tolls, &c. only within each Year.

80. The Interest on the Mortgage or Bond Debt contracted by the Upper Navigation Commissioners, to accrue after the passing of this Act, shall be a Charge on the Tolls and Charges leviable under this Act, Year by Year only; and if in any Year ending on the Thirty-first Day of December, there are not Receipts from those Tolls and Charges (after Payment of or Allowance for all Sums properly payable thereout or chargeable thereon) available for the Payment of the full Amount of Interest for that Year, no Part of the Deficiency shall be made good out of the Receipts from those Tolls and Charges in any subsequent Year or out of any other Funds of the Conservators, and all Right to receive or recover the Deficiency shall be and the same is hereby extinguished.

Priority of Instalments and Sinking Fund over Interest on existing Debt.

81. The Instalments or Payments to a Sinking Fund required by this Act to be made by the Conservators for paying off Money borrowed by them under this Act shall be a Charge on the Tolls and Charges leviable under this Act in priority to any Interest on the Mortgage or Bond Debt contracted by the Upper Navigation Commissioners.

Extinguishment of Arrears of Interest on existing Debt.

82. The Right of any Person to recover any Arrear of Interest accrued due and unpaid before the passing of this Act in respect of the Mortgage or Bond Debt contracted by the Upper Navigation Commissioners is hereby extinguished.

Power for Conservators to redeem existing Debt.

83. The Conservators may from Time to Time, as and when they think proper, redeem any Portion of the Mortgage or Bond Debt contracted by the Upper Navigation Commissioners at such Prices and on such Terms as they and the Holders respectively of Portions of that Debt agree on; and for that Purpose the Conservators may if they think proper apply any Funds now in their Hands or hereafter coming to their Hands under the Conservancy Acts or either of them or this Act.

Payments to Conservators.

Clause S. Additional Payments to Conservators.

84. From and after the Thirty-first Day of December One thousand eight hundred and sixty-six, Section Forty of The Thames Conservancy Act, 1864, shall be read and have Effect as if the Words "One thousand eight hundred Pounds" were therein substituted for the Words "One thousand two hundred Pounds," and from and after the same Day the Conservators every Year shall set apart out of the Funds coming to them under this Act such Sum, not exceeding in any One Year Seven hundred Pounds, as the Conservators, with the Approval of the Commissioners of Her Majesty's Treasury, think fit, and shall divide the same among the several Conservators as the Conservators from Time to Time think fit.

Compensation to Officers.

Clause T. Compensation for Loss of Emolument.

85. If any Officer of the Upper Navigation Commissioners is not retained and employed in an Office of equal Value by the Conservators, he shall be entitled to Compensation for his Loss of Emolument, the Form and Amount thereof and the Fund on which the same is to be charged to be determined by the Commissioners of Her Majesty's Treasury.

Separate Accounts and Liabilities.

Separate Accounts under this Act.

86. The Conservators shall keep separate Accounts of their Receipts and Expenditure, Credits and Liabilities, under this Act, which

which shall be subject to the same Provisions as their Accounts kept under the Conservancy Acts.

CLAUSE U.

Liabilities to be charged on Funds under this Act.

87. Subject to the Effect of any Agreement between the Conservators and any Lender of Money to them under this Act, the Liabilities attaching to the Conservators under this Act shall be satisfied exclusively out of Money coming to them under this Act.

Application of Revenue and Capital.

Application of Revenue.

88. All Money coming to the Conservators under this Act (not being raised on Mortgage or received as Consideration for Lands sold and not being otherwise in the Nature of Capital) shall be carried by the Conservators to their Revenue Account under this Act, and shall be applied by them in the Manner and in the Order following, and not otherwise, namely,—

(1.) In defraying the necessary and proper Establishment and Working Expenses of the Conservators under this Act, and the Expenses of the Repair and Maintenance of the Works vested in or acquired or constructed by them by or under this Act:

(2.) In paying the Interest from Time to Time accruing due on any Mortgage Debt contracted by them:

(3.) In providing the Instalments or Sinking Fund required by this Act:

(4.) In paying Year by Year the Interest accruing due on the Mortgage or Bond Debt contracted by the Upper Navigation Commissioners:

(5.) In carrying into execution the Purposes of this Act.

Application of Capital.

89. All Money coming to the Conservators under this Act being raised on Mortgage, or received as Consideration for Lands sold, or being otherwise in the Nature of Capital, shall be carried by the Conservators to their Capital Account under this Act, and shall be applied by them in the Manner and in the Order following, and not otherwise, namely,—

(1.) In paying the Costs, Charges, and Expenses of the raising of Money and of the selling of Lands as aforesaid:

(2.) In the Purchase of any Lands requisite for the Works which the Conservators are by this Act authorized to restore or construct, and in the Restoration or Construction of those Works, and otherwise in the Execution of this Act.

 90. The

CLAUSE X. Conservators to apply to Parliament for further Powers.

90. The Conservators shall apply to Parliament, so soon as the Usage and Practice of Parliament will permit, for an Act containing such Provisions in relation to the Thames between Staines and the Western Boundary of the District under the Authority of the Metropolitan Board of Works as are not already in force in relation to that Part of the Thames, and as are contained in this Act in relation to the Thames between Cricklade and Staines, or such other Provisions as will enable them efficiently to preserve and purify the Waters of the Thames.

Expenses of Act.

Conservators to pay Costs of Act.

91. The Costs, Charges, and Expenses preliminary to and of and incidental to the preparing for, obtaining, and passing of this Act, shall be paid by the Conservators in the first instance out of the Conservancy Fund; and the Amount thereof shall be repaid to that Fund out of Money coming to the Conservators under this Act.

SCHE-

SCHEDULES.

THE FIRST SCHEDULE.

The Upper Navigation Acts.

24 Geo. 2. c. 8.—An Act for the better carrying on and regulating the Navigation of the Rivers Thames and Isis from the City of London Westward to the Town of Cricklade in the County of Wilts. [The Upper Navigation Act of 1751.]

11 Geo. 3. c. 45.—An Act for improving and completing the Navigation of the Rivers Thames and Isis from the City of London to the Town of Cricklade in the County of Wilts. [The Upper Navigation Act of 1771.]

15 Geo. 3. c. 11.—An Act to amend an Act made in the Eleventh Year of His present Majesty's Reign for improving and completing the Navigation of the Rivers Thames and Isis from the City of London to the Town of Cricklade in the County of Wilts. [The Upper Navigation Act of 1775.]

28 Geo. 3. c. 51.—An Act to explain, amend, and enlarge the Powers of so much of Two Acts passed in the Eleventh and Fifteenth Years of the Reign of His present Majesty for improving and completing the Navigation of the Rivers Thames and Isis from the City of London to the Town of Cricklade in the County of Wilts as relates to the Navigation of the said Rivers from the Boundary of the Jurisdiction of the City of London near Staines in the County of Middlesex to the said Town of Cricklade. [The Upper Navigation Act of 1788.]

35 Geo. 3. c. 106.—An Act for amending and rendering more effectual an Act passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled "An Act to explain, amend, and enlarge the Powers of so much of "Two Acts passed in Eleventh and Fifteenth Years of the Reign of His "present Majesty for improving and completing the Navigation of the Rivers "Thames and Isis from the City of London to the Town of Cricklade in the "County of Wilts," as relates to the Navigation of the said Rivers from the Boundary of the Jurisdiction of the City of London near Staines in the County of Middlesex to the said Town of Cricklade; and for extending and enlarging the Powers of the said several Acts passed in the Eleventh and Fifteenth Years of the Reign of His said present Majesty, so far as the same relate to the improving and completing of the Navigation of the said Rivers from the Jurisdiction of the City of London near Staines in the County of Middlesex to the Town of Cricklade in the County of Wilts. [The Upper Navigation Act of 1795.]

52 Geo. 3. c. xlvii.—An Act to authorize the Commissioners for improving and completing the Navigation of the Rivers Thames and Isis from the Juris-

diction of the City of London near Staines in the County of Middlesex to the Town of Cricklade in the County of Wilts, to make a navigable Canal out of the River Thames near Milson's Point in the Parish of Egham in the County of Surrey to communicate with the said River at or near Bell Weir in the said Parish of Egham, and to erect Pound Locks in such Cut, with necessary Weirs and other Works on the said Navigation. [The Upper Navigation Act of 1812.]

THE SECOND SCHEDULE.

Form of Declaration of Qualification.

THE THAMES NAVIGATION ACT, 1866.

I *A.B.* of do solemnly declare that I [*here set forth a Statement of some one of the Qualifications required by the Upper Navigation Act of* 1795, *in the Terms thereof*].

Dated this Day of 18 .

(Signed) *A.B.*

Witness,

X.Y. of .

Form of Proxy Paper.

THE THAMES NAVIGATION ACT, 1866.

I *A.B.* of being entitled to vote at the Election of [Conservators *or*] a Conservator to be held in the Month of December 186 , do by this Writing appoint *C.D.* of to be my Proxy to vote on my Behalf at that Election.

(Signed) *A.B.*

Witness,

X.Y. of .

Thames Navigation.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE],

For vesting in the Conservators of the River Thames the Conservancy of the Thames and Isis from Staines in the County of Middlesex to Cricklade in the County of Wilts; and for other Purposes connected therewith.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Monsell.*)

Ordered, by The House of Commons, *to be Printed*, 5 *July* 1866.

[Bill 205.]

Under 5 oz.

A

B I L L

TO

Provide for the triennial Variation of Rentcharges in lieu of Tithes in Ireland, and the Re-applotment and Apportionment of such Rentcharges in certain Cases.

WHEREAS by an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled "An Act to provide for the establishing of "Compositions for Tithes in Ireland for a limited Time," Commissioners, to be appointed as therein-mentioned, were empowered to agree in fixing the Amount of Sums to be paid as a Composition of all Tithes in Ireland, and to give Certificates of such Amounts for each Parish in Ireland, calculated on the average annual Amount paid during Seven Years preceding the First November One thousand eight hundred and twenty-one, such Composition to continue from the First Day of November next ensuing each Certificate, and to continue Twenty-one Years, subject to be increased and decreased every Three Years during such Composition, according to the average Price of Wheat and Oats for the Three Years next preceding within the County where the Parish was situate, such Variation to be applied for, made, and affected in Manner and Form therein mentioned; and it was thereby provided, that such Composition was to cease and determine at the End of Twenty-one Years: Preamble. 4 G. 4. c. 99.

5 G. 4. c. 63. And whereas the said Act was, by another Act, passed in the Fifth Year of the same Reign, amended, whereby it was provided that in all Cases of Composition for Tithe in Ireland made after that Act the same should not be subject to be increased or decreased except on the Seventh and Fourteenth Years next after the Commencement of each Composition, and that such Alteration, as well at the End of every Third Year under the first-recited Act, should be made only with reference to the average Price of Corn as advertised in the Dublin Gazette during the Seven Years immediately preceding such Variation, to be applied for, made, and effected in the same Manner and Form as prescribed by the first-recited Act; and it was further provided that it might be lawful to agree that Compositions for Tithe should continue for Twenty-one Years without Variation:

And whereas both the said Acts were afterwards further amended by an Act passed in the Seventh and Eighth Years of the same Reign:

7 & 8 G. 4. c. 60. 2 & 3 W. 4. c. 119. And whereas by an Act passed in the Second and Third Years of His late Majesty's Reign, intituled "An Act to amend Three Acts "passed respectively in the Fourth and Fifth and in the Seventh "and Eighth Years of the Reign of His late Majesty King George "the Fourth, providing for the Establishment of Compositions for "Tithes in Ireland, and to make such Compositions permanent," every Parish in Ireland was made subject to Composition for Tithe as therein mentioned; and it was thereby provided that all Compositions theretofore or thereafter to be made should remain and endure for ever, subject to Variation as to such Composition theretofore made at the same Periods as then liable to, and as to such as were invariable for Twenty-one Years, then subject to Variation at the Determination of such Period, and henceforth in each succeeding Seven Years, and as to Composition thereafter to be made, subject to Variation in each Seventh Year next after the Day for which Composition should cease, all Compositions to be increased or decreased with reference to the average Price of Corn as advertised in the Dublin Gazette during Seven Years immediately preceding such Variation, to be applied for, made, and effected as prescribed in and by the former recited Acts:

1 & 2 Vict. c. 109. And whereas by an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled "An Act to abolish "Composition for Tithes in Ireland, and to substitute Rentcharges "in lieu thereof," Rentcharges are substituted, subject to certain Allowances therein mentioned and allowed, in lieu of Composition for Tithes theretofore in force in Ireland; and it is thereby provided, that Rentcharges thereby substituted and made payable in lieu of Tithe should be variable in like Manner as Compositions for Tithe:

And whereas by the said recited Acts the Periods at which Rentcharges in lieu of Tithes are variable in the different Parishes in Ireland

Ireland are not uniform, and also by reason of the Forms and Proceedings to be taken pursuant to the said recited Acts in order to effect such Increase or Decrease few Applications for the Variation of the Amount of Rentcharges in lieu of Tithe payable in Ireland under the said recited Acts have been successfully made, although the average Price of Corn during the Years during which such Rentcharges have been paid has varied considerably:

And whereas it is expedient that all Rentcharges in lieu of Tithe in Ireland shall henceforth increase or decrease at One and the same Time, and be payable in every Year according to the average Price of Corn, computed on the Three Years immediately preceding the Year in respect of which the said Rentcharge in lieu of Tithe shall be increased or decreased:

And whereas it is also expedient to provide for the Apportionment of all such Rentcharges in lieu of Tithe in Ireland, to enable, where Townlands are divided or sold in Lots, a specific Amount to be charged and applotted on each Lot, and by reason of the Inaccuracies in the original Applotment Books when expedient to re-applot such Amount as may have been originally applotted:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of Parts of recited Acts, and Rentcharges to be payable, &c. as herein provided.

1. So much of the said several recited Acts as provide for the Increase or Decrease of Rentcharges as substituted for Compensation for Tithe in Ireland, and the Manner and Form in which the Variation of the same was thereby to be applied for, made, and effected, shall be and are hereby respectively repealed; and from and after *the passing of this Act* all Rentcharges in lieu of Tithe payable in Ireland shall increase and decrease, and be subject to Variation, at the Times and in the Manner and Form, and according to the Averages of Corn to be computed as herein-after provided, and not otherwise, and in all other respects the said several recited Acts and Provisions thereof shall remain in full Force and Effect.

Principal of General Survey Department in Ireland to advertise in January 1867, and every Third Year, the average Prices of Wheat, &c.

2. In the Month of *January in the Year One thousand eight hundred and sixty-seven*, and also in the Month of *January* in every *Third* succeeding Year afterwards, the Principal of the General Survey and Valuation Department in Ireland for the Time being shall insert or cause to be inserted in the Dublin Gazette an Advertisement entitled "The Averages of Corn to regulate Rent-"charges in lieu of Tithe in Ireland for the then current and the "Two following Years," in which shall be stated the average Price of One Barrel of Wheat, Barley, and Oats respectively for the *Three Years* ending the *First Day of December* next preceding in

the Four several Provinces of Ireland respectively, such average Prices to be ascertained from the Sales and Selling Prices of the said Articles in such Town of the said Provinces respectively as to the said Principal of the said General Survey and Valuation Department shall seem fit, provided that the County Town of a County in the said Provinces respectively shall be One of such Towns.

Rentcharges to increase or decrease in same Proportions as such average Prices.

3. Every Rentcharge in lieu of Tithe charged on and payable out of Lands in Ireland after the *First Day of January One thousand eight hundred and sixty-seven*, and every *Third* succeeding Year afterwards, shall increase or decrease in the same Proportion as the average Price of any particular Species of Corn mentioned in the Certificate of each respective Composition or Variation thereof shall bear to the average Price of Wheat, Barley, and Oats so to be taken and advertised in the Month of *January One thousand eight hundred and sixty-seven*, and in every *Third* succeeding Year afterwards, as herein-before provided, the average Prices of the said Commodities in the said Provinces respectively to regulate the Increase or Decrease of Rentcharge for each respectively of the said Provinces; and such Rentcharge shall be from Time to Time applotted, levied, and paid in such and the same Proportions, from the several Persons liable to pay the same, in the same Manner as the Rentcharge in lieu of Tithe is made leviable, recoverable, and payable by the said several recited Acts, and all other Acts now in force.

Inaccuracies, &c. in Applotment Book may be remedied by Commissioner of Valuation.

4. When any Rentcharge Payer, by reason of Inaccuracies in the original Applotment Book, or subsequent Charges of the Lands and Boundaries, or other Alterations that render such Applotment Book unintelligible, or when Townlands have been sold in Lots, or are about to be sold in Lots, or otherwise partitioned or divided, or otherwise it appears expedient to have the said Applotment Books amended, and the Sum originally applotted now re-applotted, so that a fixed and specific Amount may be applotted on each Rentcharge Payer in such Townland and the now Occupiers thereof, deems it expedient and necessary to have a Re-applotment or Apportionment of such Tithe Rentcharge as aforesaid, the Commissioner of Valuation in Ireland, on a Request of such Rentcharge Payer, or his Agent in Writing, shall proceed by himself or his Assistants, duly appointed, to revise, re-applot, correct existing Inaccuracies, or fix specific Amounts or different Lots or Portions of such Townland or Townlands as aforesaid, and make such Order therefor as he may deem expedient to effect the Purposes aforesaid, and such Order shall be final, binding, and conclusive, and shall be transmitted to the

the Registrar of the Ecclesiastical Diocese to annex to the original Applotment Book as an Amendment thereof: Provided that any Person dissatisfied therewith, or with such Order of such Commissioner, may appeal to the Quarter Sessions of the District as herein-after provided.

Appeal to Quarter Sessions.

5. The said Commissioner of Valuation shall fix and determine the Expense incident to such Revision of the said Applotment Books, and by whom and in what Proportions to be paid, whether by the Rentcharge Owner or Payer, or in such Manner between them as he may direct, and such Sums shall be accordingly so paid and be recoverable by Action at Law, or by Civil Bill Proceeding before the Chairman of the Quarter Sessions of the District in which such Lands are situate, to be sued for in the Name of the said Commissioner of Valuation to whom the same shall be payable.

Commissioner of Valuation to determine Expense of Revision.

6. All the Powers and Authority given the said Commissioner of Valuation, under the Ninth and Tenth Victoria, Chapter One hundred and ten, being the Act now in force relating to the Valuation of rateable Property in Ireland, is and are hereby given and granted to the said Commissioner for the Purpose of carrying out the Intention of this Act, and the said Remedy, Power, and Right of, and by Appeal to any Person feeling himself aggrieved as is given by said Act, is hereby given and granted to any Person feeling aggrieved by any Order made under this Act.

Powers of Commissioner.

Tithe Rentcharge (Ireland).

A

BILL

To provide for the triennial Variation of Rentcharges in lieu of Tithes in Ireland, and the Re-applotment and Apportionment of such Rentcharges, in certain Cases.

(*Prepared and brought in by Mr. Esmonde and Mr. Murphy*).

Ordered, by The House of Commons, *to be Printed*, 17 *April* 1866.

[Bill 110.]

Under 1 *oz.*

Traffic Regulation (Metropolis).

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause
1. Short Title of Act.
2. Limits of Act.
3. Definition of Terms.

General Regulations.

4. Prohibition of scavengering except between certain Hours.
5. Loading and unloading of Coal and Casks.
6. Deposit of Goods on Footways.
7. Cattle not to be driven within certain Hours.
8. Prohibition of Carriage of Timber and other large Articles between certain Hours.
9. Regulations as to Metropolitan Stage Carriages.
10. Prohibition of Carriage of Advertisements.

Regulations for River Thames.

11. Regulations on River.

Dogs.

12. Regulations as to Dogs.

Hackney Carriages.

13. Regulations as to Hackney Carriages.

Special Limits.

14. Power of Commissioner of Police to make special Limits.
15. Regulations within special Limits.
16. Penalty for Disobedience to Regulations.
17. Publication of Regulations.
18. Cattle not to be driven without Licence.
19. Regulation of Metropolitan Stage Carriages in special Limits.

Miscellaneous.

20. Amendment of 2 & 3 Vict. c. 47. ss. 39 and 40, relating to Fairs.
21. Placard, &c. may be affixed to Lamp Post.
22. Application of Penalties.
23. Commencement of Act.

A

B I L L

FOR

Regulating the Traffic in the Metropolis and for making Provision for the greater Security of Persons passing through the Streets; and for other Purposes.

WHEREAS it is expedient to make further Provisions for regulating the Traffic in the Streets of the Metropolis, and for the greater Security of the Inhabitants thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

1. This Act may be cited for all Purposes as "The Metropolitan Streets Act, 1866." Short Title of Act.

2. The Expression "the Limits of this Act" shall mean such Parts of the Metropolis as are enclosed in a Circle of which the Centre is Charing Cross, and the Radii are Four Miles in Length, as measured in a straight Line from Charing Cross. Limits of Act.

The Expression "the special Limits of this Act" shall mean such Streets and Portions of Streets as may be appointed in manner herein-after provided.

Definition:

3. The following Expressions for the Purposes of this Act shall, unless the Context requires a different Construction, have the Meanings herein-after assigned to them; that is to say,

"Commissioner of Police:"

"Commissioner of Police," beyond the Limits of the City of London and the Liberties thereof, shall mean "the Commissioner of Police of the Metropolis," and within such Limits "the Commissioner of the Police Force of the City of London and the Liberties thereof:"

"Street:"

"Street" shall include any Highway or other public Place, whether a Thoroughfare or not, situate within the Limits of this Act; and any of the Royal Parks, Gardens, and Possessions which, being situate within the Limits of this Act, are managed by the Commissioners of Her Majesty's Works and Public Buildings, in pursuance of the Act of the Session of the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Forty-two, shall be deemed to be public Places:

"Cattle:"

The Word "Cattle," in addition to Neat Cattle of every Description, shall include Sheep, Goats, and Swine, also Horses, Mules, and Asses, when led in a String or loose.

General Regulations.

Prohibition of scavenging except between certain Hours.

4. No Person shall between the Hours of *Ten* in the Morning and *Seven* in the Evening, except in such Streets as may be approved by the Commissioner of Police, remove any Ashes, Dust, or Refuse from any House, or sweep or clean any Streets or remove any Mud, Litter, or other Refuse from any Street.

Any Person acting in contravention of this Section shall be liable to a Penalty not exceeding *Forty Shillings*.

This Section shall not apply to the Removal of Snow.

Loading and unloading of Coal and Casks.

5. No Coal and no Casks, whether empty or full, shall be loaded or unloaded on or across any public Footway within the Limits of this Act, except between the Hours of *One* and *Ten* o'Clock in the Morning, or in such Back Streets or other Byways as may be approved by the Commissioner of Police.

Any Person doing any Act in contravention of this Section shall be liable for each Offence to a Penalty not exceeding *Forty Shillings*.

6. No

Deposit of Goods on Footways.

6. No Goods or other Article shall be exposed or deposited on any Footway in any Street within the Limits of this Act or otherwise allowed to cause Obstruction or Inconvenience to the Passage of the Public for a longer Time than may be necessary for loading or unloading such Goods or other Articles, and carrying them away.

Any Person doing any Act in contravention of this Section shall be liable to a Penalty not exceeding *Forty Shillings* for each Offence.

For the Purposes of this Act, the Surface of any Space that intervenes in any Street between the public Footway and the Carriageway shall, notwithstanding any Claim of any Person by Prescription or otherwise to the Deposit or Exposure for Sale of any Goods or other Articles on such Surface, be deemed to be Part of the public Footway.

Cattle not to be driven within certain Hours.

7. No Person shall drive or conduct any Cattle through any Street within the Limits of this Act between the Hours of *Ten* in the Morning and *Seven* in the Evening, except with the Licence of the Commissioner of the Police.

Any Person acting in contravention of this Section shall be liable to a Penalty not exceeding *Ten Shillings* for each Head of Cattle so driven.

Prohibition of Carriage of Timber and other large Articles between certain Hours.

8. No Person shall, within the Limits of this Act, and between the Hours of *Ten* in the Morning and *Seven* in the Evening, except with the Licence of the Commissioner of Police,—

1. Drive or conduct along any Street any Cart, Carriage, or other Vehicle laden with Timber, Iron, Metal, or any other Article exceeding in Length *Twenty-five Feet* or in Breadth *Eight Feet Six Inches*, or any Cart, Carriage, or other Vehicle laden with Timber, Iron, Metal, or any other Article protruding more than *Three Feet* behind or in front of the Vehicle or more than *One Foot* from the Sides of the Vehicle:

2. Carry in any way along any Street any Ladder, Scaffold Pole, or other Article exceeding *Twenty-five Feet* in Length or *Eight Feet Six Inches* in Breadth:

3. Drive or conduct along any Street any Cart, Carriage, or other Vehicle conveying any Goods or Merchandise, and drawn by more than *Four* Horses:

Any Person acting in contravention of this Section shall for each Offence be liable to a Penalty not exceeding *Forty Shillings.*

Regulations as to Metropolitan Stage Carriages.

9. The Driver of a Metropolitan Stage Carriage shall not stop such Carriage for the Purpose of taking up or setting down Passengers at any Part of a Street except as near as may be to the Left or Near Side of the Roadway.

Any Driver of a Metropolitan Stage Carriage acting in contravention of this Section shall for each Offence be liable to a Penalty not exceeding *Forty Shillings.*

Prohibition of Carriage of Advertisements.

10. No Picture, Print, Board, Placard, or Notice shall be carried by way of Advertisement in any Street by any Person riding in any Vehicle, or on Horseback, or being on Foot.

Any Person doing any Act in contravention of this Section shall be liable to a Penalty not exceeding *Ten Shillings.*

This Section shall not apply to the Sale of Newspapers.

Regulations for River Thames.

Regulations on River.

11. The Commissioner of Police of the Metropolis may, with a view to maintaining Order and securing the Safety of the Public, from Time to Time give such Orders as he thinks expedient, for the Purpose of regulating the Passage of Steamers and other Vessels and Boats on such Part of the River Thames as lies within his Jurisdiction, on the Occasion of any Regatta, Boat Race, public Procession, or Ship Launch, or on any other Occasion when large Crowds may assemble on such Part of the said River.

If any Captain or other Person in charge of any Steamer or other Vessel or Boat disobeys any Constable engaged in keeping Order on such Occasion as aforesaid, he shall, in the Case of a Steamer, Vessel, or Boat propelled otherwise than by Oars, be liable to a Penalty not exceeding *Twenty Pounds,* and in the Case of a Vessel or Boat propelled by Oars to a Penalty not exceeding *Five Pounds.*

Any Superintendent, Inspector, or Sergeant of Police may enter on any Steamer, Vessel, or other Boat, the Captain or Person in charge of which refuses to comply with any Orders given in pursuance of this Section, for the Purpose of taking such Measures as may be necessary for carrying into effect the Objects of this Section, or any Orders made thereunder; and any Person obstructing the Entry of any Superintendent, Inspector, or Sergeant, in pursuance of this Section, or impeding his Efforts to carry the same into effect, shall for each Offence be liable to a Penalty not exceeding *Twenty Pounds.*

Dogs.

Regulations as to Dogs.

12. The Police may take possession of any Dogs found in any Street within the Limits of this Act, and not under the Control of any Person, and may detain such Dog until the Owner has claimed the same and paid all Expenses incurred by reason of such Detention.

The Commissioner of Police may cause any Dog which has remained in the Possession of the Police for *Three* clear Days, without the Owner claiming the same and paying all Expenses incurred by its Detention, to be sold or destroyed. Any Moneys arising from the Sale of any Dogs in pursuance of this Section shall be applied in the Manner in which Penalties under this Act are applicable.

When, upon Complaint that any Person has been bitten or attacked by a Dog within the Limits of this Act, it appears to the Magistrate having Cognizance of such Complaint that such Dog ought to be destroyed, the Magistrate may direct the Dog to be destroyed, and any Police Constable may destroy the same accordingly; but nothing in this Section contained shall prejudice the Right of any Person to bring any Action or institute any other legal Proceeding which he might have brought or instituted if this Act had not passed.

Hackney Carriages.

Regulations as to Hackney Carriages.

13. The following Regulations shall be made with respect to Hackney Carriages as defined by the Hackney Carriage Acts, and plying within the Limits defined for the Purposes of those Acts :—

1. No Fare less than the Sum of *One Shilling* shall be payable to the Driver of any Hackney Carriage drawn by One Horse, and where previously to the passing of this Act less than that Sum would have been payable *One Shilling* shall henceforth be paid :
2. Between Sunset and Sunrise no Driver of any Hackney Carriage shall ply for Hire unless the Hackney Carriage under his Charge be provided with at least One Lamp properly trimmed and lighted, to be fixed in such Manner and Position as may be directed by the Commissioner of Police of the Metropolis.

   Any Driver plying for Hire in contravention of this Enactment shall be liable to a Penalty not exceeding *Forty Shillings*.
3. The Commissioner of Police of the Metropolis may cause, by himself or his Officers, any Hackney Carriage that is in a Condition unfit for public Use, and is standing or plying for Hire in any Street to be forthwith removed to any convenient Place appointed by the said Commissioner, and be there detained until claimed by the Owner; and it shall not

be lawful for any Person to ply for Hire with such Carriage until it has been inspected by some Person appointed by the Commissioner of Police of the Metropolis, and declared to be in a Condition fit for public Use:

4. The Driver or Owner of any Hackney Carriage that is removed in pursuance of this Section may require the Constable causing the same to be so removed to accompany him to the nearest Police Court; and it shall be lawful for the Police Magistrate sitting at such Court to decide whether or no such Carriage is or not unfit for public Use, and if he declare the same to be fit for public Use the same may forthwith ply for Hire:

5. The said Commissioner may from Time to Time cause to be affixed such Plate or Mark in such Position as he thinks expedient to any Hackney Carriage certified by him to be in a fit Condition for public Use; and may remove such Plate or Mark whenever such Carriage has been determined by him to be in a Condition unfit for public Use. If any Plate or Mark adopted by the said Commissioner of the Metropolis for distinguishing Hackney Carriages that are fit for public Use is affixed to any Hackney Carriage without his Authority, or if any Plate or Mark counterfeiting or resembling such authorized Plate or Mark is affixed to any Hackney Carriage, the Owner of the Carriage, and also the Driver (unless he proves that he was ignorant of the Plate or Mark being affixed to the Carriage in contravention of this Section), shall be liable to a Penalty not exceeding *Forty Shillings:*

6. Any Expenses incurred by the Police in removing and detaining any Hackney Carriage that is unfit for public Use may be recovered in a summary Manner from the Owner of the Carriage, and the Carriage may be detained until the same is paid.

For the Purposes of this Section the Expression "Hackney Carriage Acts" shall mean the following Acts:

An Act passed in the Session of the First and Second Years of the Reign of King William the Fourth, Chapter Twenty-two, intituled "An Act to amend the Laws relating to Hackney "Carriages and to Waggons, Carts, and Drays used in the "Metropolis, and to place the Collection of the Duties on "Hackney Carriages, and on Hawkers and Pedlars in England, "under the Commissioner of Stamps:"

An Act passed in the Session of the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter Eighty-six, intituled "An Act for regulating Hackney and Stage Carriages in and "near London:"

An

An Act passed in the Session of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Seven, intituled "An Act for consolidating the Office of the Registrar "of Metropolitan Public Carriages with the Office of the "Commissioners of Police of the Metropolis, and making other "Provisions in regard to the Consolidated Offices:"

An Act passed in the Session of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Thirty-three, intituled "An Act for the better Regulation of Metro-"politan Stage and Hackney Carriages, and for prohibiting "the Use of Advertising Vehicles:"

An Act passed in the Session of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty Chapter One hundred and twenty-seven, intituled, "An Act to reduce the "Duties payable in respect of Hackney Carriages used in the "Metropolis, and to amend the Laws relating to the granting "of Licences and Payment of Duties in respect of Metropo-"litan Stage and Hackney Carriages, and to make Provision "as to the Charge for the Hire of Hackney Carriages in "certain Cases."

Special Limits.

Power of Commissioner of Police to make special Limits.

14. The Commissioner of Police, with the Approval of One of Her Majesty's Principal Secretaries of State, may from Time to Time, by Order under his Hand, direct that any Street or Portion of a Street within the Limits of this Act, is to be deemed to be within the special Limits of this Act, and may from Time to Time take any Street, or Portion of a Street, out of the special Limits of this Act: Provided,

1st. That an Order made by the Commissioner of Police under this Section shall not come into effect until the Expiration of *Ten Days* from the Date of the Approval thereof by the Secretary of State:

2d. That Notice of such Order shall be published in the London Gazette, and also affixed to a Lamp Post or otherwise placarded in some conspicuous Position in or near the Street or Portion of a Street to which the said Order relates.

Regulations within special Limits.

15. The Commissioner of Police, with the Approval of the said Principal Secretary of State, may from Time to Time make Regulations to be observed by all Persons within the special Limits of this Act with respect to the following Matters:

1. With respect to the Route to be taken by all Carts, Carriages, or other Vehicles passing along the Streets, with Power to prohibit any Cart, Carriage, or other Vehicle from coming into

any Street or Part of a Street for the Purpose only of passing to its Destination in some other Street or Part of a Street:

2. With respect to the Period of Day and Times during which Carts, Carriages, or other Vehicles may be allowed to come into or remain in any Street for the Purpose of loading and unloading Goods or Merchandise:

3. With respect to the maximum Speed at which Carts, Carriages, or other Vehicles and Horses are to go, and the Line to be kept by Persons riding, driving, or walking:

4. With respect to Compliance with any Placard, Notice, or Signal exhibited for the Purposes of this Section.

And may, with the like Approval, from Time to Time alter, vary, or repeal any Regulation made by him, and make new Regulations in addition to or in lieu of any existing Regulations; but this Section shall not authorize the Commissioner of Police or the Secretary of State to limit the Number of Metropolitan Stage Carriages that may pass down any Street in pursuance of their ordinary Trade.

Penalty for Disobedience to Regulations.

16. Any Person wilfully disregarding or refusing to conform to any Regulation of the Commissioner of Police, made in pursuance of this Act, shall incur a Penalty not exceeding *Forty Shillings* for each Offence; and any Constable may take into Custody without Warrant any Person who within View of such Constable wilfully disregards or refuses to conform to any such Regulation.

Publication of Regulations.

17. A printed Copy of all Regulations made by the Commissioner of Police, in pursuance of this Act, shall be hung up for public Inspection in such Places within his District as the Commissioner of Police thinks advisable; but it shall not be necessary, in enforcing any Regulation, to prove that the Provisions of this Section have been complied with, nor shall the Noncompliance therewith invalidate any Regulation.

Cattle not to be driven without Licence.

18. Within the special Limits of this Act no Person shall drive or conduct any Cattle through any Street, except at such Hours and by such Route as may be directed by the Commissioner of Police.

Regulation of Metropolitan Stage Carriages in special Limits.

19. Within the Special Limits of this Act no Driver of or Conductor of a Metropolitan Stage Carriage shall take up or set down Passengers at any Place where he may for the Time being be prohibited by the Commissioner of Police from taking them up or setting them down; and any Driver or Conductor acting in contravention of this Section shall for each Offence be liable to a Penalty not exceeding *Two Pounds*.

Miscellaneous.

Amendment of 2 & 3 Vict. c. 47. ss. 39, 40., relating to Fairs.

20. And whereas it is expedient to amend the Thirty-ninth and Fortieth Sections of the Act of the Session of the Second and Third Years of the Reign of Her present Majesty, Chapter Forty-seven, the Word "holden" shall be substituted for the Words "usually holden" throughout the said Sections.

Placard, &c. may be affixed to Lamp Post.

21. The Commissioner of Police may attach to any Lamp Post any Placard or Signal he may think expedient for the Purpose of carrying into effect the Provisions of this Act.

Application of Penalties.

22. Penalties under this Act within the City of London and the Liberties thereof shall be recovered and applied in manner directed by a Local Act passed in the Session holden in the Second and Third Years of the Reign of Her present Majesty, Chapter Ninety-four, and intituled "An Act for regulating the Police in the City of "London," and beyond the Limits of the City of London and the Liberties thereof shall be recovered and applied in manner directed by the Acts relating to the Metropolitan Police.

All Powers conferred by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred by any other Act of Parliament; and any such other Powers may be exercised as if this Act had not passed.

Nothing in this Act contained shall be deemed to exempt any Person from any Penalty to which he would have been liable if this Act had not been passed.

Commencement of Act.

23. This Act shall not come into operation until the *First Day of November One thousand eight hundred and sixty-six.*

Traffic Regulation (Metropolis).

A

B I L L

For regulating the Traffic in the Metropolis and for making Provision for the greater Security of Persons passing through the Streets; and for other Purposes.

(Prepared and brought in by Mr. Secretary Walpole and Mr. Hunt.)

Ordered by The House of Commons *to be Printed*, 20 *July* 1866.

[Bill 227.]

Under 2 *ozs.*

A

B I L L

TO

Amend "The Tramways (Ireland) Act, 1860," and "The Tramways (Ireland) Amendment Act, 1861."

WHEREAS for facilitating the internal Communication in Ireland by means of Tramways an Act was passed in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty (Chapter 152), entitled "The Tramways (Ireland) Act, 1860," and the same was amended by another Act of the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter 102: Preamble. 23 & 24 Vict. c. 152. 24 & 25 Vict. c. 102.

And whereas the said Acts have been found inoperative, by reason of the Provisions thereof not being found suitable for the Purposes intended, and it is expedient to amend the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

1. The Deposit of Documents required by the Second Section of the said first-mentioned Act to be made with the Secretary and Grand Jury of any County within which the Tramways are proposed, shall also be made at the Office of the Commissioners of Public Works Deposit of Documents required to be made with Grand Jury to be

also made at Board of Works.

Works in Ireland, herein called the Board of Works, and the Board of Works may from Time to Time alter and modify the several Matters and Things required to be done and deposited, as referred to in the said Section, and in the Schedule A. referred to in the same Act.

No Traverse to be allowed to Approval of Grand Jury.

2. The Fifth Section of the said secondly before-mentioned Act is hereby repealed, and no Traverse shall be allowed of any Approval by the Grand Jury.

Board of Works may make Inquiry whether Requirements of recited Acts as to Notices, &c. have been complied with.

3. The Ninth Section of the first-mentioned Act and the Sixth and Seventh Sections of the second-mentioned Act are hereby repealed; and the Board of Works, on the Application of the Promoters, and upon having deposited with them a reasonable Sum, not in any Case exceeding *One hundred Pounds*, to cover the Expenses of such Inquiry, and on being furnished by them with all such Plans and Documents and Information as the Board of Works may require, shall, by such fit Person or Persons as they shall appoint for the Purpose, make Inquiry whether the Requirements in point of Notices and Forms of the said recited Acts and of the present Act have been complied with by the Promoters, and also make public Inquiry concerning the Merits of the Undertaking, to be held in or near some Part of the Roads to be occupied or Lands proposed to be taken for the Tramway, and according to the Regulations contained in the Schedule A., Part V., to the said first-mentioned Act, and shall report their Opinion thereon, and also inquire into the Tolls and Charges proposed to be taken by the Promoters, and may by such Report recommend, if they think fit, any such Modification of the Undertaking as may seem to them of public or local Advantage; and such Report shall be made to the Grand Jury at the Assizes to be held next after the holding of such Inquiry.

After Report from Board of Works Grand Jury to appoint Committee to inquire into Merits of Undertaking.

4. The Fifth, Tenth, Eleventh, and Fourteenth Sections of the first-mentioned Act are hereby repealed; and so soon as the Report of the Board of Works required by the last-mentioned Section of this Act shall be made to the Grand Jury, the Grand Jury shall thereupon appoint a Committee from their own Body, and refer the Inquiry into the Merits of the Undertaking to such Committee, who shall have Power to adjourn from Time to Time, and to continue their Sittings, notwithstanding that the Grand Jury may have adjourned, or have ceased to sit; and such Committee shall hear, in opposition to the Application, any Owner, Lessee, or Occupier of any Lands proposed to be taken for the Purposes of the Undertaking, or alleged to be injuriously affected thereby, and any Railway

Railway or other Company or Person desiring to be heard in opposition, on the Ground of Competition, or any Part of whose Rails, Trams, Stations, Works, or Accommodation is proposed to be taken or used or interfered with for the Purposes of the Undertaking, and such Committee shall then approve or disapprove, as they may think fit, of the Undertaking, with or without Modification; and such Approval or such Disapproval, with, in case of Disapproval, the Grounds thereof, shall be certified in Writing under the Hand of the Secretary of the Grand Jury, and the Approval of such Committee shall be equivalent to the Approval of the Grand Jury: Provided that the Appeal contemplated in the said first-recited Act to the Lord Lieutenant in Council, in the event of the Approval of any one of the Grand Juries and the Disapproval of any other of such Grand Juries, as provided by the Seventh Section of the same Act, shall be entertained, and the Notice shall be given of the same, and such Appeal entertained and determined, as provided by the Twelfth Section of the same Act.

No Appeal against Approval of Grand Jury.

5. No Appeal shall henceforth lie against the Approval of any Grand Jury or against the Approval or Disapproval of the Lord Lieutenant in Council; and any Order of the Lord Lieutenant in Council, authorizing the making and maintaining of the Tramway, shall immediately take effect, without any Act of Parliament confirming the same.

Tolls may be varied from those specified in 23 & 24 Vict. c. 152.

6. The Tolls and Rates of Charge which may be specially prescribed by the Order in Council authorizing the making of any Tramways need not henceforth be limited to the Tolls and Rates of Charge specified in Schedule B. to the said first-mentioned Act.

Sec. 22. & 43. of 23 & 24 Vict. c. 152. repealed. No Tramway on Lands not public Roads for more than One Fourth of the whole Length.

7. Sections 22. and 43. of the said first-mentioned Act are hereby repealed; but no Tramways shall be authorized to be constructed on Lands not forming Part of some public Road, for more than *One Fourth* of its whole Length.

Locomotives may be used.

8. It shall henceforth be lawful to use Locomotives as well as Animal Power in the working of the Tramways authorized under this and the said recited Acts, but such Locomotives shall not travel at a greater Speed than Fifteen Miles per Hour; and it shall be lawful for the Lord Lieutenant in Council from Time to Time to make any Rules to be observed by the Parties working such Tramway, and such Rules shall become ipsò facto Byelaws of the Company, and shall be observed as such.

9. The

Provision as to Capital of existing Companies.

9. The Provisions contained in the Eighth Section of the secondly recited Act, which declares that no Order authorizing the Construction of a Tramway shall be taken to authorize or sanction the Employment by an existing Company of any Capital or Funds for the Purposes of such Tramway, which, independently of such Order, they would not have Power so to apply, shall not extend to Capital or Funds which such Company may by such Order be empowered to raise, or which the Company may before the making of such Order have raised or be empowered to raise, for the Purpose of constructing Tramways and Railways in Ireland.

Short Title.

10. This Act shall be cited as "The Tramways (Ireland) Amendment Act, 1866."

Tramways (Ireland) Acts Amendment.

A

B I L L

To amend "The Tramways (Ireland) Act, 1860," and "The Tramways (Ireland) Amendment Act, 1861."

(Prepared and brought in by Lord Naas, Mr. George, and General Dunne.)

Ordered, by The House of Commons, *to be Printed,* 10 *May* 1866.

[Bill 149.]

Under 1 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend "The Tramways (Ireland) Act, 1860," and "The Tramways (Ireland) Amendment Act, 1861."

WHEREAS for facilitating the internal Communication in Ireland by means of Tramways an Act was passed in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty (Chapter 152.), entitled "The Tramways (Ireland) Act, 1860," and the same was amended by another Act of the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter 102. : Preamble. 23 & 24 Vict. c. 152. 24 & 25 Vict. c. 102.

And whereas the said Acts have been found inoperative, by reason of the Provisions thereof not being found suitable for the Purposes intended, and it is expedient to amend the same :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

1. The Deposit of Documents required by the Second and Fourth Sections of the said first-mentioned Act to be made with the Secretary of the Grand Jury of any County within which the Tramways are proposed shall also be made at the Office of the Deposit of Documents required to be made with Grand Jury to be

also made at Board of Trade.

Board of Trade, and the Memorial required by the said Fourth Section shall be addressed to the Board of Trade, and shall be in accordance with the Provisions of this Act, and the Board of Trade may from Time to Time alter and modify the several Matters and Things required to be done and deposited, as referred to in the said Sections, and in the Schedule A. referred to in the same Act.

No Traverse to be allowed to Approval of Grand Jury.

2. The Fifth Section of the said secondly before-mentioned Act is hereby repealed.

Board of Trade may make Inquiry whether Requirements of recited Acts as to Notices, &c. have been complied with.

3. The Ninth Section of the first-mentioned Act and the Sixth and Seventh Sections of the second-mentioned Act are hereby repealed; and the Board of Trade, on the Application of the Promoters, and on being furnished by them with all such Plans and Documents and Information as the Board of Trade may require, shall make Inquiry whether the Requirements in point of Notices and Forms of the said recited Acts and of the present Act have been complied with by the Promoters, and also make public Inquiry concerning the Merits of the Undertaking, and how far it may compete injuriously with existing Railways or with Railways for which Statutory Powers have been granted and are in force to be held in or near some Part of the Roads to be occupied or Lands proposed to be taken for the Tramway, and according to the Regulations contained in the Schedule A., Part V., to the said first-mentioned Act, and shall report their Opinion thereon, and also inquire into the Tolls and Charges proposed to be taken by the Promoters, and may by such Report recommend, if they think fit, any such Modification of the Undertaking or Tolls as may seem to them of public or local Advantage; and such Report shall be laid before the Grand Jury at the Assizes to be held next after the holding of such Inquiry.

After Report from Board of Trade Grand Jury to appoint Committee to inquire into Merits of Undertaking.

4. The Fifth, Tenth, Eleventh, and Fourteenth Sections of the first-mentioned Act are hereby repealed; and so soon as the Report of the Board of Trade required by the last-preceding Section of this Act shall be laid before the Grand Jury, the Grand Jury, in the event of the said Report being favourable to the Undertaking, shall, if they think fit, appoint a Committee of not less than Five, of whom Three shall be a Quorum, from their own Body, and refer the Inquiry into the Merits of the Undertaking to such Committee, who shall have Power to adjourn from Time to Time, and to continue their Sittings, notwithstanding that the Grand Jury may have adjourned, or have ceased to sit; and such Committee shall hear the Promoters or their Witnesses, or any Owner, Lessee, or Occupier

Occupier of any Lands proposed to be taken for the Purposes of the Undertaking, or alleged to be injuriously affected thereby, or any Railway or other Company or Person desiring to be heard in favour of the Undertaking or in opposition, on the Ground of Competition, or any Part of whose Rails, Trams, Stations, Works, or Accommodation is proposed to be taken or used or interfered with for the Purposes of the Undertaking, and such Committee shall then approve or disapprove, as they may think fit, of the Undertaking, with or without Modification; and such Approval or such Disapproval, with, in case of Disapproval, the Grounds thereof, shall be certified in Writing under the Hand of the Secretary of the Grand Jury, and the Approval of such Committee shall be equivalent to the Approval of the Grand Jury: Provided that the Appeal contemplated in the said first-recited Act to the Lord Lieutenant in Council, in the event of the Approval of any one of the Grand Juries and the Disapproval of any other of such Grand Juries, as provided by the Seventh Section of the same Act, shall be entertained, and the Notice shall be given of the same, and such Appeal entertained and determined, as provided by the Twelfth Section of the same Act.

No Appeal against Approval of Grand Jury.

5. No Appeal shall henceforth lie against the Approval of any Grand Jury, or against the Approval or Disapproval of the Lord Lieutenant in Council.

Board of Trade Certificate to authorize Tramways.

6. Section 13. of the first-mentioned Act and Section Nine of the secondly mentioned Act are hereby repealed; and where the Undertaking is definitely approved of by the only Grand Jury or by all the Grand Juries before whom the Application comes, then in every such Case the Board of Trade shall, if they think fit, (notwithstanding any Alterations made by the Grand Jury in the Plan approved by the Board of Trade) settle and make a Certificate authorizing the making and maintaining of the Tramway, subject and according to the Provisions of this Act, by such Persons or Person or Body Corporate or Company, in such Manner, subject to such Restrictions and Provisions, and on such Terms and Conditions, as shall be therein specified.

Modification of existing Acts in accordance with foregoing Provisions.

7. From and after the passing of this Act, the recited Acts shall operate subject and according to the following Provisions:

(1.) The Provisions of the recited Acts relative to an Order of the Lord Lieutenant in Council, as far as the same are not repealed or altered by this Act, shall apply to a Certificate of the Board of Trade authorizing a Tramway, instead of to such an Order:

(2.) Section Nineteen of the first-mentioned Act shall be read and have Effect as if The Companies Clauses Act, 1863, The Railways Clauses Act, 1863, and The Railways Act (Ireland), 1864, had been also therein mentioned:

(3.) So much of Sections Twenty and Forty-six of the first-mentioned Act as relates to the Board of Works, and so much of the first-mentioned Section as substitutes Dublin for London, shall cease to operate:

(4.) In Sections Twenty-one, Twenty-two, Thirty-nine, Forty-one, and Forty-six of the first-mentioned Act the Board of Trade shall be substituted for the Board of Works:

(5.) So much of Section Twenty-three of the first-mentioned Act as excepts the Provisions therein mentioned out of the Incorporation therein referred to is hereby repealed:

(6.) In Sections Twenty-six, Twenty-seven, and Twenty-eight of the first-mentioned Act a Certificate of the Board of Trade shall be substituted for an Order of the Lord Lieutenant in Council, confirmed as therein provided:

(7.) Sections Twenty-nine, Thirty, and Thirty-one of the first-mentioned Act shall be varied in accordance with the Provisions of this Act in such Manner as the Board of Trade, by Order published in the Dublin Gazette, from Time to Time direct, and every such Order so published shall be judicially noticed:

(8.) In Sections Thirty-two and Forty-five of the first-mentioned Act the Board of Trade shall be substituted for the Lord Lieutenant in Council, as far as regards Proceedings by or before the Board of Trade:

(9.) Sections Forty-two and Forty-three of the first-mentioned Act are hereby repealed; but nothing in the recited Acts or this Act, or in any Certificate of the Board of Trade thereunder, shall authorize the taking, except with the Owner's Consent, of any Land or Building which could not, except with such Consent, be taken for the Purposes of a new Road, under the Enactments for the Time being in force relative to Presentments by Grand Juries:

(10.) Section Forty-six of the first-mentioned Act shall extend and apply to the Acts mentioned in the Schedule to this Act, and the Board of Trade may from Time to Time make such Rules as to them seem fit for adapting the Provisions of those Acts, as far as requisite, to Tramways under the recited Acts and this Act, and all such Rules shall be published in the Dublin Gazette, and when so

so published shall have Effect as if they had been enacted by Parliament, and shall be judicially noticed:

(11.) Section Forty-nine of the first-mentioned Act is hereby repealed.

Tolls may be varied from those specified in 23 & 24 Vict. c. 152.

8. The Tolls and Rates of Charge which may be specially prescribed by the Certificate of the Board of Trade authorizing the making of any Tramways need not henceforth be limited to the Tolls and Rates of Charge specified in Schedule B. to the said first-mentioned Act.

Locomotives may be used.

9. It shall henceforth be lawful to use Locomotives as well as Animal Power in the working of the Tramways authorized under this Act; and it shall be lawful for the Board of Trade from Time to Time to make any Rules to be observed by the Parties working such Tramway, and such Rules shall become ipso facto Byelaws of the Company, and shall be observed as such.

Provision for Gauge.

10. Every Tramway made under this Act may be constructed upon such a Gauge as may be prescribed by the Certificate of the Board of Trade.

Provision as to Capital of existing Companies.

11. The Provisions contained in the Eighth Section of the secondly recited Act, which declares that no Order authorizing the Construction of a Tramway shall be taken to authorize or sanction the Employment by an existing Company of any Capital or Funds for the Purposes of such Tramway, which, independently of such Order, they would not have Power so to apply, shall not extend to Capital or Funds which such Company may by any Certificate of the Board of Trade under the recited Acts and this Act be empowered to raise, or which the Company may before the making of such Certificate have raised or be empowered to raise, for the Purpose of constructing Tramways and Railways in Ireland.

Publication of Certificate in Gazette, and its Effect.

12. Every Certificate of the Board of Trade under the recited Acts and this Act shall be published in the Dublin Gazette; and as from the Time (not being prior to such Publication) in the Certificate prescribed, and if none is prescribed then as from the Time of such Publication, the Certificate shall have the like Force and Operation, and shall be as absolutely valid and conclusive, to all Intents, as if the Contents thereof (taken in conjunction with this Act) had been expressly enacted by Parliament; and every such Certificate, when so published, shall be judicially noticed; and the Validity of a Certificate shall not be impeached on account of any alleged Informality or otherwise in any Court or elsewhere.

Proof of Publication of Certificate, &c. of Board of Trade.

13. A Copy of the Dublin Gazette, containing any Certificate, Order, or Rules of the Board of Trade, under this Act, or a Copy of such Certificate, Order, or Rules, purporting to be printed by the Printers of the Dublin Gazette, shall be conclusive Evidence of the due Publication thereof, without any Proof of the Gazette, or without any Proof of the Copy having been in fact so printed (as the Case may be).

Sale of Copies of Certificate.

14. The Company or Persons empowered by a Certificate of the Board of Trade, under the recited Acts and this Act, shall at all Times keep at their Head Office Copies of the Certificate printed by the Printers of the Dublin Gazette, in such Form as the Board of Trade from Time to Time direct, to be sold to all Persons desiring to buy the same, at a Price not exceeding Sixpence for each Copy.

If any Company or Persons fail to comply with this Provision they shall be liable to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Five Pounds for every Day during which such Failure continues after the Day on which the first Penalty is incurred.

Recovery and Application of Penalties.

15. Penalties under this Act, or under a Certificate of the Board of Trade, the Recovery and Application whereof are not otherwise provided for, shall be recovered and applied as Penalties under The Railways Clauses Consolidation Act, 1845, are recoverable and applicable.

Annual Report of Board of Trade.

16. The Board of Trade shall annually lay before both Houses of Parliament a Report respecting the Applications to and Proceedings of the Board of Trade under this Act during each Year.

Short Title.

17. This Act shall be cited as "The Tramways (Ireland) Amendment Act, 1866."

SCHE-

SCHEDULE.

Acts referred to.

Session and Chapter and Section (if any).	Title or Short Title of Act.
8 & 9 Vict. c. 46. -	An Act for the Appointment of additional Constables for keeping the Peace near Public Works in Ireland.
14 & 15 Vict. c. 64 -	An Act to repeal the Act for constituting Commissioners of Railways.
21 & 22 Vict. c. 75. -	An Act to amend the Laws relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies, being also Railway Companies.
22 & 23 Vict. c. 59. -	Railway Companies Arbitration Act, 1859.
26 & 27 Vict. c. 112. s. 32.	The Telegraph Act, 1863.

Tramways (Ireland) Acts Amendment.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend "The Tramways (Ireland) Act, 1860," and "The Tramways (Ireland) Amendment Act, 1861."

(Prepared and brought in by Lord Naas, Mr. George, and General Dunne.)

Ordered, by The House of Commons, *to be Printed,* 17 *July* 1866.

[Bill 213.]

Under 1 *oz.*

A

BILL

TO

Abolish a certain Declaration, commonly called the Declaration against Transubstantiation, the Invocation of the Saints, and the Sacrifice of the Mass, as practised in the Church of Rome; and to render it unnecessary to take, make, or subscribe the same as a Qualification for the Exercise or Enjoyment of any Civil Office, Franchise, or Right.

WHEREAS by various Acts a certain Declaration, commonly called the Declaration against Transubstantiation and the Invocation of Saints, and the Sacrifice of the Mass, as practised in the Church of Rome, and which Declaration is more fully set forth in the Schedule to this Act annexed, is required to be taken, made, and subscribed by the Subjects of Her Majesty for the Enjoyment of certain Civil Offices, Franchises, and Rights: Preamble.

And whereas it is expedient to alter the Law in that respect, and to abolish the said Declaration:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

 1. From

Repeal of all Provisions in recited Acts requiring said Declaration to be taken as Qualification for Office.

1. From and after the *passing of this Act* all such Parts of said Acts as require the said Declaration to be taken, made, or subscribed by any of Her Majesty's Subjects as a Qualification for the Exercise or Enjoyment of any Civil Office, Franchise, or Right shall be and the same are hereby repealed, and it shall not be obligatory for any Person hereafter to take, make, or subscribe the said Declaration as a Qualification for the Exercise or Enjoyment of any Civil Office, Franchise, or Right within the Realm.

Nothing in Act contained to enable Roman Catholics to hold any Office other than those they are now entitled to hold.

2. Nothing in this Act contained shall be construed to enable any Person professing the Roman Catholic Religion to exercise or enjoy any Civil Office, Franchise, or Right for the Exercise or Enjoyment of which the taking, making, or subscribing the Declaration by this Act abolished is now by Law a necessary Qualification, or any other Civil Office, Franchise, or Right from which he is now by Law excluded.

SCHEDULE.

Declaration against Transubstantiation, the Invocation of Saints, and the Sacrifice of the Mass, prescribed by 30 *Car. II. c.* 1.

I, *A.B.*, do solemnly and sincerely, in the Presence of God, profess, testify, and declare that I do believe that in the Sacrament of the Lord's Supper there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ at or after the Consecration thereof by any Person whatsoever; and that the Invocation or Adoration of the Virgin Mary or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are superstitious and idolatrous: And I do solemnly and sincerely, in the Presence of God, profess, testify, and declare that I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words read unto me as they are commonly understood by Protestants, without any Evasion, Equivocation, or mental Reservation whatsoever, and without any Dispensation already granted me for this Purpose by the Pope or any other Authority or Person whatsoever, or without thinking that I am or can be acquitted before God or Man, or absolved of this Declaration, or any Part thereof, although the Pope or any other Person or Persons or Power whatsoever should dispense with or annul the same, or declare that it was null and void from the Beginning.

Transubstantiation, &c. Declaration Abolition.

A

BILL

To abolish a certain Declaration, commonly called the Declaration against Transubstantiation, Invocation of Saints, and the Sacrifice of the Mass, as practised in the Church of Rome; and to render it unnecessary to take, make, or subscribe the same as a Qualification for the Exercise or Enjoyment of any Civil Office, Franchise, or Right.

(*Prepared and brought in by Sir Colman O'Loghlen, Sir John Gray, and Mr. Cogan.*)

Ordered, by The House of Commons, *to be Printed*, 20*th March* 1866.

[Bill 82.]

Under 1 *oz.*

Trusts (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Definition of Trust Deed.
2. General Powers of Trustees.
3. Powers of Trustees appointed in Deeds executed after 1st October 1866.
4. Powers which may be granted to Trustees by the Court.
5. Extension of Powers of Trustees for Sale.
6. Powers of Trustees under existing Trust Deeds with respect to Investments.
7. Powers of Investment in Trust Deeds not to be restricted.
8. Powers of Trustees with respect to Personal Property.
9. The Court may authorize the Advance of Part of the Capital of a Trust Fund.
10. Application of Trust Funds.
11. Discharge of Trustees resigning and Heirs of Trustees dying during the Subsistence of the Trust.
12. Form of Resignation of Trustees.
13. Appointment of new or additional Trustees by Deed of Assumption.
14. Appointment of new Trustees by the Court.
15. Powers of Trustees appointed by the Court.
16. Completion of Title by the Beneficiary of a lapsed Trust.
17. Completion of Title of Judicial Factor.
18. Powers of the Court under this Act to be exercised by the Lord Ordinary.
19. Court may pass Acts of Sederunt.
20. Reservation of Powers in Trust Deeds and Questions under depending Actions.
21. Short Title.

SCHEDULES.

A

B I L L

TO

Facilitate the Administration of Trusts in Scotland.

WHEREAS it is expedient that certain Powers and Provisions which are now usually inserted in Trust Deeds should be made incident to the Offices of Trustee, and that greater Facilities should be given for the Administration of Trust Estates: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. "Trust Deed" shall mean any Trust Disposition and Settlement mortis causâ, and any Marriage Contract or other Deed constituting a Family Settlement, and containing an Appointment of Trustees, whether mortis causâ or inter vivos. Definition of Trust Deed.

2. All Trust Deeds shall be held to contain Clauses authorizing the Trustees to do the following Acts in the Execution of the Trust, General Powers of Trustees.

and such Acts, when done, shall be as effectual as if such Clauses had been contained in the Trust Deed; viz.,

1. To appoint Factors and Law Agents, and to pay them the usual Remuneration:
2. To discharge Trustees who have died or resigned, or their Representatives:
3. To grant Leases of the Heritable Estate of ordinary Duration, and to remove Tenants:
4. To uplift, discharge, or assign Debts due to the Trust Estate:
5. To grant all Deeds necessary for carrying into effect the Powers vested in the Trustees.

Powers of Trustees appointed in Deeds after 1st Oct. 1866.

3. All Trust Deeds executed after the *First Day of October One thousand eight hundred and sixty-six* shall be held to contain Clauses authorizing the Trustees to do the following Acts in the Execution of the Trust, and such Acts when done shall be as effectual as if such Clauses had been contained in the Trust Deed; viz.,

1. To sell the Trust Estate or any Part of it:
2. To grant Feus or Long Leases of the Trust Estate or any Part of it:
3. To borrow Money on the Security of the Trust Estate or any Part of it:
4. To excamb any Part of the Trust Estate which is Heritable:

Provided that any of the above Powers may be excluded by the Granter of such Trust Deed by specific Provision in the Trust Deed to that Effect, and that such Powers shall not be held to be contained in the Trust Deed when the same are inconsistent with its Provisions.

Powers which may be granted to Trustees by the Court.

4. It shall be competent to the Court of Session, on the Petition of the Trustees under any Trust Deed, to grant Authority to the Trustees to do any of the following Acts, on being satisfied that the same is expedient for the Execution of the Trust:

1. To sell the Trust Estate or any Part of it:
2. To grant Feus or Long Leases of the Trust Estate or any Part of it:
3. To borrow Money on the Security of the Trust Estate or any Part of it:
4. To excamb any Part of the Trust Estate which is Heritable:

Extension of Powers of Trustees for Sale.

5. All Powers of Sale conferred on Trustees by the Trust Deeds or by this Act may be exercised either by Public Roup or Private Bargain; and when the Estate is Heritable it shall be lawful in

in such Sales to reserve the Minerals, or to sell, under Reservation of a Feu Duty or Ground Annual, at such Rate and on such Conditions as may be agreed upon.

Powers of Trustees under existing Trust Deeds with respect to Investments.

6. Trustees under any Trust Deed may, unless the contrary be provided in such Trust Deed, invest the Trust Funds in the Purchase of any of the Stocks, Public Funds, or Government Securities of the United Kingdom, or East India Stock, or Stock of the Bank of England, or of Debentures or Debenture Stock of any Railway Company or other Joint Stock Company incorporated by Act of Parliament, and paying Dividends to Ordinary Shareholders, or of the Mortgages or Bonds and Assignations in Security of any Trust incorporated or constituted by Act of Parliament in any Part of the United Kingdom, or may lend the Trust Funds on the Security of any of the aforesaid Stocks, Funds, Debentures, Mortgages, or Bonds and Assignations in Security, or on the Security of Heritable Property in Scotland, and may from Time to Time, at their Discretion, vary any such Investment or Loan, and the Trustees shall not incur any Responsibility for Depreciation of the Value of such Investments or Securities, provided they were reasonable and proper at the Time: Provided that the Trustees shall not be held to be subject as Defendants or Respondents to the Jurisdiction of any of Her Majesty's Superior Courts of Law or Equity in England or Ireland by reason of their having invested Trust Funds as aforesaid.

Powers of Investment in Trust Deeds not to be restricted.

7. The Powers of Investment conferred by this Act shall not be held or construed as restricting or controlling any Powers of Investment of Trust Funds expressly contained in any Trust Deed.

Powers of Trustees with respect to Personal Property.

8. When a Trust Estate consists in whole or in part of Stock or Shares in a Joint Stock Company, or of Money invested on the Security of Personal Property, and it shall appear to the Trustees that the immediate Sale or Realization of such Part of the Estate would be prejudicial to the Interests of the Beneficiaries, it shall be lawful for the Trustees to hold such Stock or Shares or to continue the existing Investments of the Trust Estate for any Period not exceeding *Two Years* from the *First Day of October One thousand eight hundred and sixty-six*, in the Case of Trust Deeds then in operation, and in the Case of other Trust Deeds for any Period not exceeding *Two Years* from the Date when the same shall come into operation.

The Court may authorize the

9. The Court may from Time to Time, under such Conditions as they see fit, authorize Trustees to advance any Part of the

Advance of Part of the Capital of a Trust Fund.

Capital of a Fund destined, either absolutely or contingently, to Minor Descendants of the Truster, being Beneficiaries having a vested Interest in such Fund, if it shall appear that the Income of the Fund is insufficient or not applicable to the Purpose, and that such Advance is necessary for the Maintenance or Education of such Beneficiaries, or any of them, and that it is not expressly prohibited by the Trust Deed.

Application of Trust Funds.

10. The Court may, on Petition by the Trustees, and after such Intimation and Inquiry as may be thought necessary, authorize the Trustees under any Trust Deed to apply the whole or any Part of Trust Funds which they are empowered or directed by the Trust Deed to invest in the Purchase of Heritable Property to the Payment or Redemption of any Debt or Burden affecting Heritable Property which may be destined to the same Series of Heirs and subject to the same Conditions as are by the Trust Deed made applicable to the Heritable Property directed to be purchased.

Discharge of Trustees resigning and Heirs of Trustees dying during the Subsistence of the Trust.

11. When a Trustee who resigns, or the Representatives of a Trustee who dies or resigns, cannot obtain a Discharge of his Acts and Intromissions from the remaining Trustees, and when the Beneficiaries of the Trust refuse, or are unable, from Absence, Incapacity or otherwise, to grant a Discharge, the Court may, on Petition to that Effect, at the Instance of such Trustee or Representative, and after such Intimation and Inquiry as may be thought necessary, grant such Discharge.

Form of Resignation of Trustees.

12. Any Trustee entitled to resign his Office may do so by signing a Minute of Resignation, in the Form of the Schedule (A.) to this Act annexed, or to the like Effect, and may register the same in the Register of Sasines.

Appointment of new or additional Trustees by Deed of Assumption.

13. When Trustees have the Power of assuming new Trustees, such new Trustees may be assumed by a Deed of Assumption executed by the Trustee or Trustees acting under such Trust Deed, or by a Quorum of such Trustees, if more than Two, in the Form of the Schedule (B.) to this Act annexed, or to the like Effect; and a Deed of Assumption so executed may be recorded in the Register of Sasines, and when so recorded shall be effectual as a Conveyance of the Heritable Property belonging to the Trust Estate in favour of the existing Trustees and the Trustees so to be assumed, in the same Manner as if a feudal Title had been originally completed in the Persons of the existing Trustees and the new Trustees, and such Deed of Assumption shall also be effectual as an Assignation in favour of such existing and assumed Trustees of the

the whole Personal Property belonging to the Trust Estate; and in the event of any Trustee acting under any Trust Deed being insane, or incapable of acting by reason of physical or mental Disability, such Deed of Assumption may be executed by the remaining Trustee or Trustees acting under such Trust Deed.

Appointment of new Trustees by the Court.

14. When Trustees cannot be assumed under any Trust Deed, or when any Person who is the sole Trustee acting under any such Trust Deed has become insane, or incapable of acting by reason of physical or mental Disability, the Court may, upon the Application of any Party having Interest in the Trust Estate, after such Intimation and Inquiry as may be thought necessary, appoint a Trustee or Trustees under such Trust Deed, with all the Powers incident to that Office; and on such Appointment being made, in the Case of any Person becoming insane or incapable of acting as aforesaid, such Person shall cease to be a Trustee under such Trust Deed; and the Court may on such Application grant a Warrant to complete a Title to any Heritable Property forming Part of the Trust Estate, in favour of the Trustee or Trustees so appointed, which Warrant shall specify and describe the Heritable Property to which it is applicable, and shall also specify the Personal Property, or bear Reference to an Inventory appended to the Petition to the Court in which such Personal Property is specified; and such Warrant shall be effectual as a Conveyance of such Heritable Property in favour of the Trustee or Trustees so appointed, in like Manner and to the same Effect as a Warrant in favour of a Judicial Factor granted under the Authority of the Thirty-eighth Section of "The Titles to Land (Scotland) Act, 1860," and shall also be effectual as an Assignation of such Personal Property in favour of the Trustee or Trustees so appointed.

Powers of Trustees appointed by the Court.

15. Trustees appointed by the Court shall not have the Power of assuming new Trustees, unless such Power is expressly conferred upon them by the Court.

Completion of Title by the Beneficiary of a lapsed Trust.

16. When any Person shall be entitled to the Possession for his own absolute Use of any Heritable Property or Personal Property the Title to which has been taken in the Name of any Trustee or other Person who has died or become incapable of acting, without having executed a Conveyance of such Property, it shall be lawful for the Person beneficially entitled to such Property to apply by Petition to the Court for Authority to complete a Title to such Property in his own Name, and such Petition shall specify and describe the Heritable Property, and refer to an Inventory in which the Personal Property is specified, to which such Title is to be completed;

completed; and after such Intimation and Inquiry as may be thought necessary, it shall be lawful for the Court to grant a Warrant for completing such Title as aforesaid, which Warrant shall specify and describe the Heritable Property to which it is applicable, and shall also specify the Personal Property, or shall bear Reference to an Inventory appended to the Petition in which such Personal Property is specified; and such Warrant shall be effectual as a Conveyance of such Heritable Property in favour of the Petitioner in like Manner and to the same Effect as a Warrant in favour of a Judicial Factor granted under the Authority of the Thirty-eighth Section of "The Titles to Land (Scotland) Act, 1860," and shall also be effectual as an Assignation of such Personal Property in favour of the Petitioner.

Completion of Title of Judicial Factor.

17. Application for Authority to complete the Title of a Judicial Factor to any Trust Property or Estate under the Thirty-eighth Section of "The Titles to Land (Scotland) Act, 1860," may be contained in the Petition for the Appointment of such Factor; and such Application may include Personal Property, and the Warrant to be granted in pursuance thereof shall, in so far as regards Heritable Property, be effectual as a Conveyance in manner specified in the said Act and in the preceding Section of this Act.

Powers of the Court under this Act to be exercised by the Lord Ordinary.

18. Applications to the Court under the Authority of this Act shall be by Petition addressed to the Court, and shall be brought in the first instance before One of the Lords Ordinary officiating in the Outer House, who may direct such Intimation and Service thereof, and such Investigation or Inquiry, as he may think fit, and the Powers of the Lord Ordinary before whom the Petition is enrolled may be exercised by the Lord Ordinary on the Bills during Vacation; and all such Petitions shall, as respects Procedure and Review, be subject to the same Rules and Regulations as are enacted with respect to Petitions coming before the Junior Lord Ordinary in virtue of the Public Act Twentieth and Twenty-first Victoria, Chapter Fifty-six: Provided that when, in the Exercise of the Powers pertaining to the Court of appointing Trustees and regulating Trusts, it shall be necessary to settle a Scheme for the Administration of any charitable or other permanent Endowment, the Lord Ordinary shall, after preparing such Scheme, report to One of the Divisions of the Court, by whom the same shall be finally adjusted and settled; and in all Cases where it shall be necessary to settle any such Scheme, Intimation shall be made to Her Majesty's Advocate, who shall be entitled to appear and intervene for the Interests of the Charity, or any Object of the Trust or the Public Interest.

20 & 21 Vict. c. 56.

19. The

Court may pass Acts of Sederunt.

19. The Court shall be and is hereby empowered from Time to Time from and after the passing of this Act to make such Regulations by Act or Acts of Sederunt as may be requisite for carrying into effect the Purposes of this Act: Provided that within Fourteen Days from the Commencement of every future Session of Parliament there shall be laid before both Houses of Parliament Copies of all Acts of Sederunt made and passed under the Powers of this Act.

Reservation of Powers in Trust Deeds and Questions under depending Actions.

20. Nothing in this Act contained shall be construed as innovating, revoking, or restricting any express Powers or Directions given to Trustees acting under any Trust Deed, or shall affect the Decision of any Question which may at the passing of this Act be the Subject of a depending Action.

Short Title.

21. This Act may be cited for all Purposes as "The Trustee (Scotland) Act, 1866."

SCHEDULES.

SCHEDULE (A.)

Form of Minute of Resignation.

I *A.B.* do hereby resign the Office of Trustee under the Trust Disposition and Settlement (*or other Deed*) granted by *C.D.* in favour of *E.F.*, *G.H.*, and myself, dated the Day of , and recorded in the Books of Council and Session (*or other Register*) the Day of . [*If the Trustee was assumed add*, and to which Office of Trustee I was assumed by Deed of Assumption, granted by the said *E.F.* and *G.H.*, dated the Day of .] In witness whereof [*Testing Clause in the usual Form*].

SCHEDULE (B.)

Form of Deed of Assumption.

I *A.B.* [*or* we *A.B.* and *C.D.*], the accepting and surviving [*or* remaining] Trustee [*or* Trustees, *or* a Majority and Quorum of the accepting and surviving Trustees] acting under a Trust Disposition or Deed of Settlement (*or other Deed*) granted by *E.F.* in favour of , dated the Day of [*if recorded, specify Register and Date of recording*], do hereby assume *G.H.* [*or G.H.* and *I.K.*] as a Trustee [*or* Trustees] under the said Trust Disposition and Settlement (*or other Deed*); and I [*or* we] dispone and convey to myself [*or* ourselves] and the said *G.H.* [*or G.H.* and *I.K.*] as Trustees under the said Trust Disposition and Settlement (*or other Deed*), and the Survivors or Survivor, and the Heirs of the last Survivor, the Majority, while more than Two are acting, being a Quorum, all and whole [*insert Description of Heritable Property belonging to the Trust Estate as in Title Deeds, or by Reference to a recorded Deed, and the usual Clauses of a Conveyance*]. And I [*or* we] assign to myself [*or* ourselves] and the said *G.H.* [*or G.H.* and *I.K.*] as Trustees foresaid, and their foresaids, the whole Moveable or Personal Property belonging to the said Trust Estate, as specified in the Inventory

Inventory hereunto annexed, and signed by us as relative hereto. And we consent to Registration hereof for Preservation, and also in the General or Particular Register of Sasines for Publication. In witness whereof [*Testing Clause in the usual Form*].

Trusts (Scotland).

A

BILL

To facilitate the Administration of Trusts in Scotland.

(*Prepared and brought in by The Lord Advocate, Mr. Solicitor General for Scotland, and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 12 *March* 1866.

[Bill 65.]

Under 2 *oz.*

A

B I L L

TO

Continue certain Turnpike Acts in Great Britain, and to make further Provision concerning Turnpike Roads.

WHEREAS it is expedient to continue for limited Times the Acts herein-after specified, and to make further Provisions concerning Turnpike Roads: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of November One thousand eight hundred and sixty-seven, and no longer, unless Parliament in the meantime continues the same; but every other Act now in force for regulating, making, amending, or repairing any Turnpike Road in Great Britain which will expire at or before the End of the next Session of Parliament shall continue in force until the First Day of November One thousand eight hundred and sixty-seven, and to the End of the then next Session of Parliament, except an Act of the Fifty-fourth Year of King George the Third, Chapter Eighty-five, Continuance of Acts, except 54 G. 3. c. lxxxv.

" for enlarging the Term and Powers of Two Acts of His present
" Majesty, for repairing the Road from the End of the Turnpike
" Road from Besselsleigh to Hungerford in the County of Berks, to
55 G. 3. c. xc. " Leckford, otherwise Sousley Water, in the County of Wilts;" an
Act of the Fifty-fifth Year of King George the Third, Chapter
Ninety, " for continuing and amending an Act of His present Ma-
" jesty, for repairing several Roads leading from Shenfield to Har-
" wich and Rochford and other Places in the County of Essex, and
" for extending the said Act to the Road from Great Hallingbury
3 G. 4. c. iii. " to Hockerill in the County of Hertford;" an Act of the Third
Year of King George the Fourth, Chapter Three, " for more
" effectually repairing, widening, amending, and improving the
" Roads from Wigan to Preston in the County Palatine of
4 G. 4. c. cvi. " Lancaster;" an Act of the Fourth Year of King George the
Fourth, Chapter One hundred and six, " for more effectually re-
" pairing and improving the Roads leading from Whitechapel
" Church in the County of Middlesex unto Passingford Bridge, and
" through and to the End of the several Parishes or Places of
" Shenfield and Woodford in the County of Essex, and for other Pur-
5 G. 4. c. xi. " poses relating thereto;" an Act of the Fifth Year of King George
the Fourth, Chapter Eleven, " for amending and maintaining the
" Roads leading from the Town of Newent in the County of Glouces-
" ter, and other Roads in the Counties of Gloucester and Hereford;"
7 & 8 G. 4. c. lvi. an Act of the Seventh and Eighth Years of King George the Fourth,
Chapter Fifty-six, " for repairing the Road from the High Bridge
" in Spalding to Tydd Goat in the County of Lincoln, and other
9 G. 4. c. li. " Roads in the same County;" an Act of the Ninth Year of King
George the Fourth, Chapter Fifty-one, " for more effectually repair-
" ing the Road from Christopher's Bridge in the Borough of Thet-
" ford in the County of Suffolk to the North-east End of the Town
9 G. 4. c. lxxv. " of Newmarket in the County of Cambridge;" an Act of the same
Year, Chapter Seventy-five, " for repairing the Road from Scole
11 G. 4. c. lxxxii. " Bridge to Bury Saint Edmunds in the County of Suffolk;" an
Act of the Eleventh Year of King George the Fourth, Chapter
Eighty-two, " for more effectually repairing and improving the
" Roads from Lewes, through Offham, to Witch Cross; from the
" Cliffe near Lewes, through Uckfield, to Witch Cross; and from the
" said Cliffe, through Ringmer, Heathfield, and Burwash, to Hurst
1 W. 4. c. xlv. " Green; all in the County of Sussex;" an Act of the First Year of
King William the Fourth, Chapter Forty-five, " for repairing and
" maintaining the Road leading from the High Road between Brom-
" ley and Farnborough in the County of Kent to Beggar's Bush
" in the Turnpike Road leading from Tonbridge Wells to Maresfield
1 & 2 W. 4. c. xix. " in the County of Sussex;" an Act of the First and Second Years of
King William the Fourth, Chapter Nineteen, " for repairing the Road
" from

"from the Bridge on the old River at Barton to Brandon Bridge in "the County of Suffolk;" an Act of the same Years, Chapter Twenty-two, "for more effectually repairing and improving the Road between "the City of Durham and the Village of Shotley Bridge in the County "of Durham;" an Act of the Second Year of King William the Fourth, Chapter Seventy-five, "for better maintaining certain Roads "within the County of Salop called the Shawbury District of Roads;" an Act of the Third Year of King William the Fourth, Chapter Nine, "for repairing the Roads from near Monk Bridge near York to "New Malton, and from thence to Scarborough, and from Spittle "House to Scarborough, all in the County of York;" an Act of the same Year, Chapter Twelve, "for more effectually repairing and "improving the Roads from Wendover to the End of Oak Lane, "and from the River Colne for Half a Mile towards Beaconsfield, "in the County of Bucks;" an Act of the same Year, Chapter Forty-four, "for more effectually repairing the Roads from Hodges "to Beadles Hill and Cuckfield, and from Beadles Hill to Lindfield, "all in the County of Sussex;" an Act of the same Year, Chapter Ninety-nine, "for improving the Shrewsbury District and the "Wellington District of the Watling Street Road in the County of "Salop," so far as relates to the Shrewsbury District; an Act of the Fourth and Fifth Years of King William the Fourth, Chapter Eighty-nine, "to continue, alter, and amend an Act of the Fourth "Year of the Reign of His late Majesty King George the Fourth, "for more effectually repairing and improving the Middlesex and "Essex Turnpike Roads; to provide for the rebuilding of Bow "Bridge in the Counties of Middlesex and Essex, the improving of "the several other Bridges upon the said Roads; and for other "Purposes relating thereto;" and an Act of the Thirteenth and Fourteenth Years of Her present Majesty, Chapter Eighty-seven, "for "more effectually repairing and improving the Road from Rochdale, "through Bamford and Birtle, to Bury, and several other Roads "therein mentioned, all in the County Palatine of Lancaster."

1 & 2 W. 4. c. xxii.
2 W. 4. c. lxxv.
3 W. 4. c. ix.
3 W. 4. c. xii.
3 W. 4. c. xliv.
3 W. 4. c. xcix. (in part).
4 & 5 W. 4. c. lxxxix.
13 & 14 Vict. c. lxxxvii.

Amendment of 4 G. 4. c. 95. s. 57., and Provisions respecting Toll Houses which have become useless.

2. Whereas by the Provisions of an Act of the Fourth Year of the Reign of His late Majesty King George the Fourth, Chapter Ninety-five, the Trustees or Commissioners of a Turnpike Road are prohibited from selling Toll Houses not required for the Purposes of the Road, and are bound to pull the same down, and to sell the Materials thereof: And whereas it is expedient to amend the said Provisions: Be it enacted as follows:

1. If the Road would be improved by the Addition thereto of the whole or any Part of the Site of the Toll House, or of any Garden or Land belonging thereto, then the Trustees or Commissioners of the Road shall, instead of selling the whole

or such Part (as the Case may require), cause the same to be added to the Road, and shall cause any Building standing on the Ground so added to be pulled down, and the Materials thereof to be sold and removed:

2. Where the Trustees or Commissioners of a Turnpike Road are authorized to sell the Site of a Toll House, they may, notwithstanding anything contained in the last-mentioned Act, sell the Toll House and other Buildings standing on such Site, unless required to pull them down by the Person to whom a Right of Pre-emption is given by any Acts relating to Turnpike Roads. Subject as aforesaid, the Provisions of the said Act relating to the selling of Toll Houses shall be of the same Force as if this Act had not passed.

Short Title.

3. This Act may be cited for all Purposes as "The Annual Turnpike Acts Continuance Act, 1866."

SCHE-

SCHEDULE.

An Act for repairing, altering, widening, and improving the Road leading from the City of Canterbury to the Town of Ramsgate in the Isle of Thanet, in the County of Kent; and for suspending and varying, for a limited Time, so much of an Act passed in the Twenty-seventh Year of the Reign of His present Majesty, as relates to the Toll Gate, and to the Tolls now payable by virtue of the said Act, on the Road leading from the said City of Canterbury to the Isle of Thanet. 42 G. 3. c. v.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Roads from Ipswich to the Scole Inn Road, and from Claydon to the Bury St. Edmund's Road, and from Yaxley Bull to Eye and Lanthorn Green, in the County of Suffolk. 51 G. 3. c. cviii.

An Act for repairing the Road from Chatham to Canterbury in the County of Kent. 52 G. 3. c. lxxxi.

An Act for repairing the Road from the City of Coventry to the Rugby Turnpike Road in the Parish of Wolvey in the County of Warwick. 53 G. 3. c. vi.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing and widening the Road from Dunham Ferry to the South End of Great Markham Common, in the County of Nottingham. 53 G. 3. c. xii.

An Act for continuing and amending an Act of His present Majesty, for repairing the Roads leading from Bowes in the County of York, through Barnard Castle and Bishop Auckland, to join the Great North Road near Sunderland Bridge in the County of Durham. 53 G. 3. c. xxv.

An Act for more effectually repairing the Road from the Horseshoe Corner in Godmanchester in the County of Huntingdon to the South-east End of Castle Street in the Town of Cambridge in the County of Cambridge. 53 G. 3. c. xli.

An Act for enlarging the Term and Powers of an Act of King George the Second and Two Acts of His present Majesty, for amending the Road from Maidstone in the County of Kent to Tubb's Lake in the Parish of Cranbrook in the said County. 53 G. 3. c. clxxxviii.

An Act for continuing and amending an Act of His present Majesty, for repairing the Road from Dunstable to Hockliffe in the County of Bedford. 54 G. 3. c. cxxi.

An Act for repairing the Road from Saint Lloyds in the Town of Bedford in the County of Bedford to the Turnpike Road leading from Olney to Newport Pagnell in the County of Buckingham. 54 G. 3. c. cxxiv.

An Act for more effectually repairing the Road from Jesus Lane in the Town of Cambridge to Newmarket Heath in the County of Cambridge. 55 G. 3. c. xlix.

An Act for enlarging the Term and Powers of Four Acts of His present Majesty, for repairing several Roads leading from Fisherton, Wilton, Heytesbury, and other Places in the County of Wilts; and for diverting the Line of Part of the said Roads. 55 G. 3. c. lxii.

56 G. 3. c. xxxi. An Act for continuing the Term and altering and enlarging the Powers of an Act of the Fortieth Year of His present Majesty, for improving the Roads leading from the Town of Leominster in the County of Hereford.

56 G. 3. c. xxxiii. An Act to rectify a Mistake in an Act of the Fifty-third Year of His present Majesty, for repairing the Roads from Bowes in the County of York to join the Great North Road near Sunderland Bridge in the County of Durham.

56 G. 3. c. lii. An Act for more effectually repairing the Road from Biggleswade to Alconbury Hill, and other Roads therein mentioned, in the Counties of Bedford and Huntingdon.

56 G. 3. c. lxviii. An Act for enlarging the Term and Powers of several Acts for amending the Road from the End of the Town Close in the County of the City of Norwich to the Chalk Pits near Thetford in the County of Norfolk.

57 G. 3. c. xxvi. An Act for amending the Roads leading from Basingstoke near Bagshot, through Farnham in the County of Surrey, and Alton and New Alresford, to Winchester in the County of Southampton.

57 G. 3. c. xlvi. An Act for continuing and amending an Act of His present Majesty, for repairing the Road from Stamford in the County of Lincoln, through Oakham, to the Great North Road in the Parish of Greetham in the County of Rutland.

57 G. 3. c. lxviii. An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from Cambridge to the Old North Road, near Arrington Bridge in the County of Cambridge.

58 G. 3. c. ii. An Act to continue the Terms and alter and enlarge the Powers of Three Acts passed in the Twenty-third Year of the Reign of His late Majesty King George the Second, and in the Eleventh and Thirty-seventh Years of His present Majesty's Reign, for repairing the Road from the City of York to Boroughbridge in the County of York.

58 G. 3. c. v. An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Roads leading from the City of Gloucester towards Cheltenham and Tewkesbury in the County of Gloucester.

58 G. 3. c. xxxix. An Act for continuing and amending an Act of His present Majesty, for repairing the Road from the North End of Farnhurst Lane to the City of Chichester, and from Chichester aforesaid to Delkey in the County of Sussex.

58 G. 3. c. xliii. An Act for more effectually repairing and improving the Road leading from Studley Bridge, through the Borough of Chippenham, to Pickwick, and from the East End of Chippenham Bridge to Lower Stanton, and from the East End of the said Bridge to join the Road at Draycot Cerne in the County of Wilts.

58 G. 3. c. lxxxii. An Act to continue the Term and enlarge the Powers of an Act of His present Majesty, for repairing the Road at or near Beckhampton and other Roads in the said Act mentioned in the County of Wilts.

59 G. 3. c. lxxxiv. An Act to continue and amend Three Acts for repairing the Roads from Fryer Bacon's Study to Chilton Pond, and from the Top of Hinksey Hill to Foxcombe Hill Gate in the Road leading to Farringdon in the County of Berks, so far as relates to the Oxford District of the said Roads.

An

An Act for repairing, widening, and improving the several Roads round the City of Bristol, and for making certain new Lines of Road to communicate with the same. 59 G. 3. c. xcv.

An Act to continue the Term and alter and enlarge the Powers of an Act of His present Majesty's Reign, for repairing the Road from the Guide Post in the Village of Adderbury in the County of Oxford, through Kidlington, to the End of the Mileway in the City of Oxford. 59 G. 3. c. cxxii.

An Act for enlarging the Term and Powers of several Acts of King George the Second and His late Majesty, for repairing several Roads leading from the Market House in the Town of Much Wenlock, and from Gleeton Hill to Cressage, in the County of Salop. 1 G. 4. c. vi.

An Act for continuing the Term and altering and enlarging the Powers of an Act of His late Majesty's Reign, for amending the Road leading out of the Highway from Wigan to Golborn and Warrington into the Road from Wigan to Ashton in Ashton in Mackerfield in the County Palatine of Lancaster. 1 G. 4. c. xiv

An Act for repairing and improving several Roads leading into and from Devizes in the County of Wilts. 1 G. 4. c. lxix.

An Act for more effectually making, repairing, and improving the Road from near the Place where the Broil Park Gate formerly stood to the Horsebridge Turnpike Road on the Dicker, and from the Blacksmith's Shop in Horsebridge Street to the Town of Battle in the County of Sussex. 1 & 2 G. 4. c. xxvii.

An Act for more effectually repairing and improving the Road from Newark-upon-Trent in the County of Nottingham to join the Road from Nottingham to Grantham in the County of Lincoln near the Guide Post on the Foss Road near Bingham in the said County of Nottingham. 1 & 2 G. 4. c. xxx.

An Act for enlarging the Term and Powers of several Acts passed in the Thirtieth Year of the Reign of His late Majesty King George the Second and in the Eighteenth and Thirty-ninth Years of the Reign of His late Majesty King George the Third, so far as the same relate to the Road from Alfold Bars in the County of Surrey to Newbridge in the County of Sussex. 1 & 2 G. 4. c. xxxv.

An Act for continuing the Term and altering and amending the Powers of several Acts for repairing the Road leading from the High Street in the City of Rochester to Maidstone in the County of Kent; and for amending and improving the Road branching from the said Road at the Bridgewood Gates, and running into the Town of Chatham in the said County of Kent. 1 & 2 G. 4. c. xl.

An Act to continue the Term and alter and enlarge the Powers of Two Acts, for repairing the Roads from Sheet Bridge to Portsmouth, and from Petersfield to the Alton Turnpike Road near Ropley, in the County of Southampton. 1 & 2 G. 4. c. lvi.

An Act for repairing the Road from Alemouth, through Alnwick and Rothbury, to Hexham, and a Branch from the said Road between Alnwick and Rothbury to Jockey's Dike Bridge, all in the County of Northumberland. 1 & 2 G. 4. c. lxxxiv.

1 & 2 G. 4. c. lxxxvi. An Act to continue and amend Two Acts for repairing the Road from the Turnpike Road near the Town of Weston-on-the-Green in the County of Oxford to the Turnpike Road on Kidlington Green in the said County.

1&2G.4.c.xciii. An Act to continue the Term and alter and amend the Powers of Two Acts, for repairing the Road from Elsdon High Cross, near the Town of Elsdon in the County of Northumberland, to the Red Swyre upon the Mid-Border betwixt England and Scotland.

3 G. 4. c. ii. An Act for repairing and maintaining certain Roads leading to and from Chepstow and other Places in the Counties of Monmouth and Gloucester, called the District of Chepstow and the New Passage District.

3 G. 4. c. xxxix. An Act for continuing the Term and altering and enlarging the Powers of an Act of the Forty-second Year of the Reign of His late Majesty King George the Third, for repairing and improving the Road leading from the City of Canterbury to the Town of Ramsgate in the County of Kent; and for suspending and varying for a further limited Time so much of an Act passed in the Twenty-seventh Year of the Reign of His late Majesty as relates to the Toll Gate and to the Tolls payable by virtue of the said Act on the Road leading from the said City of Canterbury to the Isle of Thanet in the said County of Kent; and for altering the Line of certain Parts of the said Road.

3 G. 4. c. xlvii. An Act to enlarge the Term and Powers of several Acts passed for repairing and widening the Road from the Hand and Post in Upton Field in the Parish of Burford in the County of Oxford to a Place in the Parish of Preston in the County of Gloucester called Dancy's Fancy.

3 G. 4. c. xlviii. An Act for more effectually repairing and widening the Roads from Spann Smithy, through Middlewich, and by Spittle Hill in Stanthorn, to Winsford Bridge, and from Spittle Hill to Northwich in the County Palatine of Chester.

3 G. 4. c. lii. An Act for more effectually making, repairing, and improving the Road leading from Reading in the County of Berks to Basingstoke in the County of Southampton.

3 G. 4. c. lxix. An Act for repairing and amending several Roads leading to and from the Borough of Evesham in the County of Worcester, and several other Roads in the Counties of Worcester and Gloucester.

3 G. 4. c. xc. An Act for more effectually repairing the Road from the Guide Post near the End of Drayton Lane, near Banbury in the County of Oxford, to the House called the Sun Rising, at the Top of Edge Hill in the County of Warwick.

3 G. 4. c. xciii. An Act for repairing, altering, and improving the Road from the Stone Pillar or Cross Hand in the Parish of Chippenham in the County of Wilts to or near to Knox Bridge in the Parish of Westerleigh in the County of Gloucester, and several other Roads therein mentioned, in the said Counties of Gloucester and Wilts.

3 G. 4. c. xcvii. An Act to continue the Term and Powers of Three several Acts for repairing and widening the Road from the Swan Inn at Leatherhead to the May Pole at the Upper End of Spital or Somerset Street in the Parish of Stoke near the Town of Guldeford in the County of Surrey.

An

An Act for amending, widening, and keeping in repair the Roads leading from the Town of Northampton to Chain Bridge, near the Town of Market Harborough, and from the Direction Post in Kingsthorpe to Welford Bridge, all in the County of Northampton. 3 G. 4. c. c.

An Act for more effectually making, repairing, and improving the Roads from Union Point near Uckfield to the Sea Houses in Eastbourne, and from Horsebridge to Cross in Hand, all in the County of Sussex. 4 G. 4. c. xii.

An Act for repairing and improving the Roads from the Town of Stockbridge to the City of Winchester, and from the said City of Winchester to the Top of Stephen's Castle Down near the Town of Bishop's Waltham in the County of Southampton, and from the said City of Winchester, through Otterborne, to Bar Gate in the Town and County of the Town of Southampton, and certain Roads adjoining thereto. 4 G. 4. c. xv.

An Act for repairing and improving divers Roads in the Counties of Stafford and Salop, comprised in Three Districts, called the Eccleshall, Newport, and Watling Street District, the Newcastle and Eccleshall District, and the Hilton and Honnington District. 4 G. 4. c. xlvii.

An Act for continuing the Term and Powers of an Act of His late Majesty's Reign, for repairing the Road from the North End of Bridgford Lane in the County of Nottingham to the Bowling Green at Kettering in the County of Northampton. 4 G. 4. c. lvi.

An Act for amending and keeping in repair the Roads from Dover to Barham Downs, and from Dover to the Town of Folkestone, and from thence through the Parish of Folkestone to Sandgate in the County of Kent. 4 G. 4. c. lxxxi.

An Act for more effectually repairing the Road leading from Beaconsfield in the County of Buckingham to Stoken Church in the County of Oxford. 4 G. 4. c. cviii.

An Act for more effectually repairing the Road from Wansford Bridge in the County of Northampton to Stamford, and from Stamford to Bourn in the County of Lincoln. 4 G. 4. c. cxi.

An Act for repairing the Roads from Oxdown Gate in Popham Lane to the City of Winchester, and from the said City, through Hursley, to Chandler's Ford, and from Hursley aforesaid to the Turnpike Road at Romsey, and from the Hundred at Romsey, through Chilworth, to the River at Swathling in the County of Southampton, and from the said Turnpike Road at Romsey, through Ringwood in the said County, to Longham Bridge and Wimborne Minster in the County of Dorset. 4 G. 4. c. cxx.

An Act for amending improving and keeping in repair the Roads leading from Wetherby to Knaresborough in the West Riding of the County of York. 5 G. 4. c. viii.

An Act for making and maintaining a Turnpike Road from Marehill in the Parish of Pulborough, through Shipley, to the Direction Post on the Turnpike Road leading from Horsham to Steyning at Southwater in the Parish of Horsham, with several Branches therefrom, all in the County of Sussex. 5 G. 4. c. xvi.

An Act for repairing the Road from Dunchurch to Stonebridge in the County of Warwick, 5 G. 4. c. xliii.

6 G. 4. c. xi. An Act for making and maintaining a Turnpike Road from Midhurst in the County of Sussex to the London and Portsmouth Turnpike Road between the Fifty-second and Fifty-third Milestones near Sheet Bridge in the County of Southampton.

6 G. 4. c. xxviii. An Act for more effectually amending, widening, improving, and keeping in repair the Road from Wooler to the Great North Turnpike Road at or near to Adderstone Lane in the County of Northumberland.

6 G. 4. c. liii. An Act for repairing the Road branching out of the Great North Road by the Guide Post at the South End of Spittlegate in the Parish of Grantham in the County of Lincoln, and leading from thence to the Turnpike Road at or near Bridge End in the same County.

6 G. 4. c. lxxxi. An Act for more effectually repairing, widening, altering, and improving the Road from Melton Mowbray in the County of Leicester to the Guide Post in Saint Margaret's Field, Leicester, and the Road branching from the said Road at or near a certain Place in the Lordship of Barkby in the said County, called the Round Hill, to the Town of Barkby.

6 G. 4. c. lxxxiv. An Act for making and maintaining a Turnpike Road from Trebarwith Sands on the Sea Shore to Condolden Bridge on the Road leading from Bossiney to Camelford, all in the County of Cornwall.

6 G. 4. c. xci. An Act for more effectually repairing and improving several Roads leading from Tavistock to New Bridge, and other Roads therein mentioned, all in the County of Devon; and for making Diversions to communicate therewith.

6 G. 4. c. clviii. An Act for amending and maintaining the Road from the North End of Old Malton Gate in the Town and Borough of New Malton to the Town of Pickering in the County of York.

7 G. 4. c. xxiv. An Act for more effectually repairing the Roads from Littlegate at the Top of Leadenham Hill in the County of Lincoln to Newark-upon-Trent, and from Newark-upon-Trent to Mansfield, and from Southwell to the South End of the Town of Oxton in the County of Nottingham.

7 G. 4. c. lxxviii. An Act for making, maintaining, and repairing certain Roads leading into and from the Town of Tewkesbury in the County of Gloucester towards the Cities of Gloucester and Worcester, and the Towns of Cheltenham, Stow-on-the-Wold, Evesham, and Pershore, and certain other Roads therein mentioned, in the Counties of Gloucester and Worcester.

7 G. 4. c. cxxvi. An Act for more effectually repairing the Road from Whitecross in the Parish of Leven in Holderness in the East Riding of the County of York to the Town of Beverley in the said County.

7 G. 4. c. cxxxi. An Act for more effectually repairing the Road from Sudbury in the County of Suffolk to Bury St. Edmunds in the said County.

7 G. 4. c. cxxxv. An Act for more effectually repairing the Road leading from the Willersley Turnpike Road near Parton to Monkland Mill, and other Roads therein mentioned, in the Counties of Hereford and Worcester.

7 & 8 G. 4. c. viii. An Act for more effectually repairing, widening, and improving the Road from Cosham in the County of Southampton to the City of Chichester.

7 & 8 G. 4. c. xv. An Act for more effectually repairing and improving the Roads from the Buck's Head at Watling Street to Beckbury and the New Inn, and from the Birches

Birches Brook to the Hand Post in the Parish of Kemberton ; and for making a new Branch of Road from a Place called Ball's Hill in the Parish of Dawley, adjoining or near to the said Roads, to or near to a Place called Lawley in the Parish of Wellington, all in the County of Salop.

An Act for more effectually repairing the Roads from the City of Gloucester to the Top of Birdlip Hill, and from the Foot of the said Hill to the Top of Crickley Hill, in the County of Gloucester. 7 & 8 G. 4. c. xvi.

An Act for repairing the Roads from Warwick to Paddlebrook in the Parish of Stretton-on-the-Fosse, and from Warwick to Stratford-upon-Avon, in the Counties of Warwick and Worcester. 7 & 8 G. 4. c. xxvi.

An Act for amending, improving, and maintaining in repair the Road between the Point at which the Great Roads from the City of Carlisle to the Cities of Edinburgh and Glasgow respectively separate, and Westlinton Bridge in the County of Cumberland. 7 & 8 G. 4. c. li.

An Act for repairing the Road from Dunchurch to Hillmorton in the County of Warwick, and from thence to Saint James's End in the Parish of Duston in the County of Northampton. 7 & 8 G. 4. c. liv.

An Act for continuing the Term and altering and enlarging the Powers of several Acts for repairing the Roads from the Stone Pillar on Alconbury Hill to Wansford Bridge, and from Norman Cross to Peterborough Bridge, all in the County of Huntingdon. 7 & 8 G. 4. c. lx.

An Act for more effectually improving the Road from Creed to Ruan Lanehorne, and from Dennis Water to Trethim Mill, in the County of Cornwall. 7 & 8 G. 4. c. lxxiii.

An Act for more effectually repairing the Road from the South-east End of the Town of Loughborough in the County of Leicester, commencing at South Field Lane, to the South End of Cavendish Bridge in the same County. 7 & 8 G. 4. c. lxxiv.

An Act for more effectually repairing and improving the Roads leading to and from the Port, Harbour, and Town of Whitehaven in the County of Cumberland. 9 G. 4. c. x.

An Act for more effectually repairing the Road from Footscray, by Wrotham Heath, to Maidstone, and from the said Road into the Road from Mereworth to Hadlow, and for making and maintaining a Road from the said Road at Wrotham Heath to Teston, and from the said Road from Mereworth to Hadlow to Saint Leonard's Street in the Parish of West Malling, all in the County of Kent. 9 G. 4. c. xviii.

An Act for repairing the Road from Spernal Ash in the County of Warwick, through Studley, to Birmingham. 9 G. 4. c. xxxiv.

An Act for more effectually repairing the Roads from the Town of Cambridge to the Wadesmill Turnpike Road in the Parishes of Great Chishill and Little Chishill in the County of Essex, and from the said Town of Cambridge to Royston in the County of Cambridge. 9 G. 4. c. xxxvi.

An Act for repairing the Road leading from Ipswich to South Town, and from the said Road, at or near Beech Lane in the Parish of Darsham, to Bungay in the County of Suffolk. 9 G. 4. c. xlv.

An Act for more effectually repairing and otherwise improving the Road from Beverley to Kexby Bridge in the County of York. 9 G. 4. c. lxxviii.

10 G. 4. c. xx. An Act for more effectually improving and repairing the Road leading from the Turnpike Road at Wrotham Heath in the County of Kent to the Turnpike Road leading from Croydon to Godstone in the County of Surrey.

10 G. 4. c. xxi. An Act for more effectually repairing, widening, and improving the Road from Harlow Bush Common in the Parish of Harlow in the County of Essex to Stump Cross in the Parish of Great Chesterford in the same County, and for making and maintaining Two new Lines of Road communicating therewith.

10 G. 4. c. xxiv. An Act for more effectually repairing, improving, and keeping in repair the Road from Maidstone to Key Street in the Parishes of Borden and Bobbing in the County of Kent.

10 G. 4. c. lxii. An Act for repairing the Road from the East End of the Town of Newmarket over Newmarket Heath to the Turnpike Road to Stump Cross in the Counties of Cambridge and Suffolk, and the Road branching out of the aforesaid Road near the Devil's Ditch on Newmarket Heath to the present Turnpike Road to Cambridge.

10 G. 4. c. lxii. An Act for repairing the Road leading from Tonbridge to Maidstone in the County of Kent.

10 G. 4. c. lxxvi. An Act for repairing certain Turnpike Roads leading to and from Bilston in the County of Stafford.

10 G. 4. c. lxxviii. An Act for more effectually repairing the Road from James Deeping Stone Bridge to Peter's Gate in Stamford in the County of Lincoln, and from thence to the South End of the Town of Morcott in the County of Rutland.

10 G. 4. c. lxxxiii. An Act for consolidating the Trusts of certain Roads called "The Blue Vein and Bricker's Barn Turnpike Roads" in the Counties of Wilts and Somerset, and for more effectually repairing and improving the same.

11 G. 4. c. ix. An Act for more effectually repairing the Roads to and from Longtown, and certain other Roads communicating therewith, in the County of Cumberland.

11 G. 4. c. lxxxiii. An Act for more effectually repairing and maintaining the Road between Hockliffe in the County of Bedford and Stony Stratford in the County of Buckingham.

11 G. 4. c. xc. An Act for repairing the Road from Foston Bridge to the Division Stone on Witham Common in the County of Lincoln.

11 G. 4. c. cvi. An Act for improving and maintaining the Road leading from Walsall to Muckley Corner near Lichfield, and other Roads, in the County of Stafford.

1 W. 4. c. x. An Act for repairing the Road from Burton Bridge in the County of Stafford to Market Bosworth in the County of Leicester.

1 W. 4. c. xii. An Act for repairing the Road from Measham in the County of Derby to Fieldon Bridge in the County of Warwick, and other Roads communicating therewith, in the Counties of Derby, Leicester, and Warwick.

1 W. 4. c. xiv. An Act for repairing the Watling Street Road, the Mancester and Wolvey Heath Road, and other Roads communicating therewith, in the Counties of Leicester and Warwick.

1 W. 4. c. lx. An Act for maintaining the Road from Enfield Chase in the County of Middlesex to Lemsford Mill in the County of Hertford.

An

An Act for more effectually repairing, widening, and otherwise improving the Road from the South-east End of the Town of Loughborough in the County of Leicester, commencing at South Field Lane, to the South End of Cavendish Bridge in the same County. 1 W. 4. c. lxvii.

An Act for more effectually repairing and otherwise improving the several Roads from the Southgate in the Borough of King's Lynn into the Parishes of East Walton, Narborough, Stoke Ferry, and Downham Market in the County of Norfolk. 1 & 2 W. 4. c. xx.

An Act for more effectually repairing the Roads from the Borough of King's Lynn, and other Roads therein mentioned, and for making a new Line of Road at Castle Rising, all in the County of Norfolk. 1 & 2 W. 4. c. xxi.

An Act for the more effectually repairing and otherwise improving the Road from Sunderland near the Sea in the County of Durham to the City of Durham. 1 & 2 W. 4. c. lxiv.

An Act for more effectually improving the Road from Burford to Banbury in the County of Oxford, and from Burford to the Road leading to Stow in the County of Gloucester, and from Swerford Gate in the County of Oxford to the Road in Aynho in the County of Northampton; and for making a new Branch of Road to communicate with the same. 2 W. 4. c. xvi.

An Act for more effectually repairing and otherwise improving the Road from Doncaster to Bawtry in the County of York. 2 W. 4. c. xx.

An Act for more effectually repairing the Road from the Sessions House in the Town of Buckingham to Hanwell in the County of Oxford. 2 W. 4. c. xxxiv.

An Act for more effectually repairing the Road from Little Yarmouth to Blythburgh, and from Brampton to Halesworth, in the County of Suffolk. 2 W. 4. c. liii.

An Act for more effectually repairing the First District of the Road from Coleshill, through the City of Lichfield and the Town of Stone, to the End of the County of Stafford in the Road leading towards Chester, and several other Roads in the Counties of Warwick and Stafford and City and County of the City of Lichfield. 2 W. 4. c. lxxi.

An Act for repairing and improving the Road from Ternhill to Newport in in the County of Salop. 2 W. 4. c. lxxii.

An Act for repairing and improving the Road from the Great Bridge in the Borough of Warwick, through Southam and Daventry, to the Town of Northampton. 2 W. 4. c. xcviii.

An Act for more effectually repairing the Road from the City of Norwich to the Windmill in the Town of Watton in the County of Norfolk, and for making a new Branch of Road to communicate therewith. 3 W. 4. c. xv.

An Act for repairing the Road from Wellsbourn Mountfort to Stratford-upon-Avon in the County of Warwick. 3 W. 4. c. xvi.

An Act for more effectually repairing, altering, widening, and otherwise improving the Road from Ber Street Gates in the City of Norwich to New Buckenham in the County of Norfolk. 3 W. 4. c. xxxix.

An Act for repairing the Road from Upton in Ratley to Great Kington and Wellesbourne Hastings in the County of Warwick. 3 W. 4. c. xli.

An Act for more effectually repairing the Road from Lewes to Brighthelmston in the County of Sussex. 3 W. 4. c. xliii.

3 W. 4. c. lv. An Act for more effectually repairing the Roads leading from the City of Gloucester towards the City of Hereford, and also towards Newent and Newnham in the County of Gloucester, Ledbury in the County of Hereford, and Upton-upon-Severn in the County of Worcester.

3 W. 4. c. lxxxii. An Act for repairing the Road from Offham to Ditchelling in the County of Sussex.

3 W. 4. c. lxxxiii. An Act for repairing, maintaining, and improving the Road from Tadcaster Bridge within the County of the City of York to Hob Moor Lane End.

3 W. 4. c. xcviii. An Act for more effectually repairing the Road from Bury Saint Edmunds to Newmarket in the Counties of Suffolk and Cambridge.

4 W. 4. c. xxviii. An Act for repairing and improving the Second District of the Road from Coleshill, through the City of Lichfield and the Town of Stone, to the End of the County of Stafford in the Road leading toward Chester, and making a new Branch thereto, and also to annex to and consolidate therewith the Turnpike Road from Rugeley through Armitage to Alrewas in the County of Stafford.

5 W. 4. c. xxii. An Act for improving certain Roads within the County of Hereford communicating with the City of Hereford.

5 W. 4. c. xxiv. An Act for making and maintaining a Turnpike Road from the Town of Hurstperpoint to the Brighton and Cuckfield Turnpike Road at or near Ansty Cross in the Parish of Cuckfield, all in the County of Sussex.

5 W. 4. c. xxvii. An Act for repairing and improving the Roads in the Counties of Northumberland and Durham called the Ford and Lowick Turnpikes, and for making certain new Branches in the said Counties.

5 W. 4. c. xxviii. An Act for making Turnpike certain Highways between the Towns of Nantwich and Congleton in the County Palatine of Chester.

5 & 6 W. 4. c. lxxxix. An Act for more effectually repairing and improving the Road from the Side Gate on the Hinckley and Lutterworth Turnpike Road in the Parish of Burbage in the County of Leicester to the Leicester Turnpike Road in or near to the Village of Narborough in the said County.

5 & 6 W. 4. c. ciii. An Act for repairing and otherwise improving the Roads from Oxford, over Botley Causeway, to Fifield in the County of Berks and Witney in the County of Oxford.

6 W. 4. c. lxii. An Act for more effectually repairing and improving the Road from the Eastern End of the Borough of Grampound, through the Towns of Saint Austell and Lostwithiel, and thence to the East End of the Western Taphouse Lane in the County of Cornwall; and for making and maintaining certain new Roads communicating therewith.

6 Vict. c. xxvi. An Act for repairing and improving certain Roads in the Neighbourhood of Trentham and Stone in the County of Stafford, and for making and maintaining a new Road from Trentham Inn to the Newcastle-under-Lyme and Market Drayton Turnpike Road in the same County, and another new Piece of Road in the Parish of Trentham aforesaid.

8 & 9 Vict. c. cl. An Act for making and maintaining in repair a complete Line of Turnpike Road from Shepley Lane Head to the Barnesley and Grange Moor Turnpike Road at or near Redbrooke Plantation in the Parish of Darton, all in the West Riding of the County of York.

15 Vict. c. xcvii. An Act for more effectually repairing the Road from the Town of Beaconsfield to the River Colne, all in the County of Buckingham.

Turnpike Acts Continuance.

A

BILL

To continue certain Turnpike Acts in Great Britain, and to make further Provision concerning Turnpike Roads.

(*Prepared and brought in by Mr. Secretary Walpole and Mr. Hunt.*)

Ordered, by The House of Commons, *to be Printed,* 20 *July* 1866.

[Bill 229.]

Under 2 *oz.*

Turnpike Roads Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

PART I.

Powers to Secretary of State to continue expired Acts on certain Terms.

Secretary of State may continue expired Trusts on condition that Tolls be applied to Payment of Debts; Sect. 1.

Secretary of State to ascertain Amount of such Debts; 2.

May delegate Inquiry as to Debts to Inclosure Commissioners; 3.

Orders of Secretary of State to be laid before Parliament; 4.

Power to rescind Orders when Debts paid; 5.

Powers of Secretary of State to apply to Acts still subsisting as the same expire; 6.

PART II.

By whom the Provisions of the present Act shall be carried into execution.

Appointment of Commissioners; 7.

Style of Commissioners. To have a Common Seal. Instruments to be received in Evidence; 8.

Power to appoint and remove Assistant Commissioners, Secretary, and other Officers; 9.

No Commissioner or Assistant Commissioner to sit in the House of Commons; 10.

Limitation of Appointments to Five Years; 11.

Salaries and Allowances; 12.

Such Salaries, &c. to be paid out of Moneys to be provided by Parliament; 13.

Declaration of Commissioners and Assistant Commissioners; 14.

Commissioners may delegate Powers, &c.; 15.

In case Persons interested shall be under legal Disabilities; 16.

Agent may be appointed by Power of Attorney; 17.

PART III.

As to the Proceedings at Meetings to be held preparatory to signing a Declaration under this Act.

Meeting of the Ratepayers to be called for signing Declaration; 18.

Declaration to be signed at the Meeting. Chairman may negotiate with Creditors as to the Amount of their respective Debts, &c.; 19.

Declaration may be signed within Six Months after the Day when first agreed to; 20.

Meeting may be adjourned; 21.

Form of Declaration to be settled by the Commissioners; 22.

Declaration when signed to be sent to Commissioners previous to their holding a Meeting for Inquiry, &c. May adjourn Meeting; 23.

Commissioners may proceed in the Execution of this Act although Notice and Declaration not signed by Persons of sufficient Interest; 24.

PART IV.

As to Proceedings at Meetings held by the Commissioners previous to making an Award, and the Abolition of Turnpike Trusts after the Award has been confirmed by Parliament. Power to borrow Money to pay off Debts apportioned by such Award, and to sell Trust Estate after the same is vested in Commissioners under this Act.

Commissioner or Assistant Commissioner may attend Meetings. Power to summon Witnesses, &c. Power to allow Expenses to Witnesses; 25.

Penalty on giving false Evidence, or refusing to give Evidence or to produce Documents; 26.

Commissioners to record Proceedings and make an Award; 27.

Award to be delivered to Clerk of Turnpike Trust; 28.

PART V.

Power to borrow Money to pay off Debts apportioned by Commissioners Award.

Power to borrow Money to pay off Debts awarded; 29.

PART

PART VI.

After Confirmation of Award by Parliament, Turnpike Trusts to vest in the Commissioners, under the Provisions of this Act.

Commissioners to make Reports to Secretary of State, to be laid before Parliament; 30.

Acts specified in Schedule of Commissioners Report to be repealed and Turnpike Roads declared public Highways; 31.

Property of Turnpike Trust to vest in Commissioners; 32.

Power of Justices to give Possession of Toll House, &c. to Commissioners or their Agent; 33.

Turnpike Trust Property to be sold; 34.

Application of Purchase Money; 35.

PART VII.

As to the Costs of carrying out this Act.

Costs of carrying out this Act; 36.

PART VIII.

As to Forms of Proceedings to be issued by the Commissioners, Interpretation of Words, and Pleading of this Act.

Forms of Proceedings how to be prepared and issued; 37.

Summonses to be signed by Assistant Commissioner; 38.

Awards and other Documents issuing from Commissioners to be under Seal; 39.

Interpretation of Words; 40.

Short Title; 41.

A

BILL

TO

Provide for the Maintenance of the Turnpike Roads of England and Wales as public Highways, and for the Discharge of the Debts due thereon by voluntary Commutation.

WHEREAS it is expedient to alter the Laws relating to Turnpike Roads and Trusts so far as relates to the Tolls levied in respect thereof, and to provide for the Abolition of such Tolls, and for the future Maintenance of such Roads as public Highways, and also to ascertain and redeem the Debts chargeable on such Roads by a rateable Assessment on the several Parishes within the Districts through which such Turnpike Roads may pass by voluntary Commutation as herein-after provided: Preamble.

And whereas by an Act passed in the Twenty-ninth Year of the Reign of Her Majesty, called "The Annual Turnpike Acts Continuance Act, 1865," certain Trusts therein specified or referred to will cease to exist at and after the Period therein mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

PART I.

Powers to Secretary of State to continue expired Act on certain Terms.

1. It shall be lawful for Her Majesty's Secretary of State for the Home Department, by an Order under his Hand, to declare that any Secretary of State may

continue expired Trusts.

any of the Trusts specified or referred to in the said Act shall, notwithstanding that the said Act shall so cease, be continued in full Force and Operation in all respects as though the said Turnpike Trust Continuance Act had been re-enacted and again renewed by an Act of Parliament; but such Declaration and Order shall only be made by the said Secretary of State upon the Conditions and subject to the Restrictions and Limitations herein-after mentioned; that is to say, that from and after the Date and Publication of such Order, or from such Date as shall be therein specified, and not later than the *First Day of January One thousand eight hundred and sixty-seven*, all Tolls which shall be collected at any Gates or Bars which by such Order the Trustees or other Persons may be authorized to collect shall be applied exclusively to the Payment of any Bond, Mortgage, or other Debt which may be now existing, due, or payable in respect of the Roads on which such Gates and Bars shall be so continued, and that from and after the Date aforesaid the said Roads shall be sustained and kept in repair by the several Parishes or Highway Districts in which the same are respectively situated, and in all respects shall be dealt with as to Repair and Maintenance as though no such Order authorizing the Continuance of such Gates and Bars had been made.

Tolls to be applied only to Debts.

Secretary of State to ascertain Amount of Debts to be paid.

2. It shall be lawful for the said Secretary of State, and he is hereby required, in all Cases in which he shall have made such Order for the Continuance of the Gates and Bars of any such Turnpike Trust, forthwith to cause Inquiry to be made into the Amount and also the present actual Value of any Bond, Mortgage, or any other Debt of any such Turnpike Trusts, and, by an Order supplemental to that by which the Powers of the said Trust may have been so continued, to declare the Amount of such Bond, Mortgage, or other Debt, and shall further specify in such Order whether in his Opinion the whole, or if not the whole how much, of such Bond, Mortgage, or other Debts should be paid out of the Tolls hereafter to be collected from the Gates and Bars of any such Trust.

May delegate Inquiries as to Debts to Inclosure Commissioners.

3. It shall be lawful for the said Secretary of State to delegate any Inquiry to be so made by him as to the Debts of any such Trusts, or to any other Matters incident thereto, and which he may deem it essential to be informed upon, to the Inclosure Commissioners; and in carrying out the Instructions of the said Secretary of State to that Effect they shall be entitled to exercise the Powers and Authority by this Act hereafter vested in them for the other Purposes of this Act.

Orders of Secretary of State to be

4. The Secretary of State shall lay before both Houses of Parliament, within One Month after their meeting in each Year, Copies of

of all Orders which, in pursuance of the Powers of this Act, he may have issued, and also of all Supplemental Orders declaring the Amount of Debt to be paid out of the Tolls to be by virtue of such Order collected, and, unless Parliament shall otherwise direct, the same shall be binding upon all Parties interested in the said Trust at and after the Termination of the Session in which such Orders and Supplemental Orders shall be so as aforesaid submitted to Parliament: Provided always, that no Part of the Tolls so as aforesaid to be collected at any Gates or Bars, and continued by such Order as aforesaid, shall be applied to the Payment of any Bond, Mortgage, or other Debt, either as Interest upon such Debt or as Principal, until after the Supplemental Order declaring the Amount of such Debt shall have become binding upon all Parties under the Provisions aforesaid. laid before Parliament.

5. It shall be lawful for the said Secretary of State, and he is hereby required, by a further Order under his Hand, to rescind any previous Order for the Continuance of any such Turnpike Trust so soon as the Bond, Mortgage, or other Debts shall have been paid; and he is hereby authorized and required for that Purpose to demand from Time to Time all such Information as he may deem necessary or expedient, and to cause all such Inquiry to be made as aforesaid as to the Sums received in respect of Tolls, and the Application thereof, and to make such Orders in reference thereto as he may think fit as to what Sums should properly be applied, by the Trustees or other Persons having the Management of such Trusts, in Payment of the Bond, Mortgage, or other Debts so as aforesaid declared to be due and payable; and the Payment of any legal or other Expences shall not be deemed a proper Application of the Tolls, unless the same shall be specially allowed by the said Secretary of State, and which he is hereby authorized, if he shall think fit, to allow, as also any Expences incident to carrying out this Act. Power to rescind Order when Debts paid.

6. The said Secretary of State shall have and exercise the Power by this Act conferred in respect of Trusts which expire at the End of this Session, in regard to all other Trusts which do not then expire, and as to which the Term of Years for which the same are now granted shall hereafter cease, as and when such Term shall so cease. Powers of Secretary of State to apply to Acts still subsisting as the same expire.

PART II.

By whom the Provisions of the present Act shall be carried into execution.

7. The Inclosure Commissioners for England and Wales for the Time being shall be the Commissioners for carrying this Act into Appointment of Commissioners.

Execution, and should the same not to be fully carried into effect before the Duties of the said Inclosure Commissioners shall cease, it shall be lawful in such Case for One of Her Majesty's Principal Secretaries of State to appoint any Number of fit Persons to be Commissioners to carry this Act into execution, in the Place of such Commissioners so ceasing to act, and at Pleasure to remove any One or more of the Commissioners so appointed so that the Number of Commissioners shall never exceed *Three;* and upon every Vacancy in the Office of Commissioners some other fit Person shall be appointed to the said Office in like Manner; and until such Appointment it shall be lawful for the remaining Commissioners or Commissioner to act as if no such Vacancy had occurred.

Style of Commissioners.

8. The Commissioners acting in the Execution of this Act shall be styled "The Turnpike Trust Commissioners for England and Wales," and shall have their Office in London or Westminster; and they, or any *Two* of them, may sit from Time to Time as they deem expedient as a Board of Commissioners for carrying this Act into execution; and the said Commissioners shall cause to be made a Seal of the same Board, and shall cause to be sealed or stamped therewith all Agreements; and Awards or Apportionments and other Instruments proceeding from the said Board, or Copies thereof, purporting to be sealed or stamped with the Seal of the said Board, shall be received in Evidence without any further Proof thereof; and no Agreement, Award, or Apportionment shall be of any Force unless the same shall be sealed or stamped as aforesaid.

To have a Common Seal.

Instruments to be received in Evidence.

Power to appoint and remove Assistant Commissioners, Secretary, and other Officers.

8 & 9 Vict. c. 118.

9. It shall be lawful for the said Commissioners from Time to Time to employ such of the Assistant Commissioners appointed under the Provisions of an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, entitled "An Act to "facilitate the Inclosure and Improvement of Commons and Lands "held in common, the Exchange of Lands, and the Division of "intermixed Lands to provide Remedies for defective or in- "complete Executions, and for the Non-execution of the Powers of "General and Local Inclosure Acts; and to provide for the Revival "of such Powers in certain Cases," as they shall see fit, or to appoint a sufficient Number of other Persons to be Assistant Commissioners, and also a Secretary, Assistant Secretary, and all such Clerks, Messengers, and Officers as they shall deem necessary, and to remove such Assistant Commissioners, Secretary, Assistant Secretary, Clerks, Messengers, or Officers, or any of them, and on any Vacancy in any of the said Offices to appoint some other Person to the vacant Office; and the Persons so employed or appointed shall assist in carrying

carrying this Act into execution at such Places and in such Manner as the said Commissioners may direct.

No Commissioner or Assistant Commissioner to sit in the House of Commons.

10. No Commissioner or Assistant Commissioner appointed as aforesaid shall during the Continuance of such Office be capable of being elected or of sitting as a Member of the House of Commons.

Limitation of Appointments to Five Years.

11. No Commissioner or Assistant Commissioner, Secretary, or other Officer or Person so to be appointed, shall hold his Office for a longer Period than *Five Years* next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament; and after the Expiration of the said Period of *Five Years*, and of the End of the then next Session of Parliament, so much of this Act as authorizes such Appointment shall cease.

Salaries and Allowances.

12. The Salaries of the Commissioners, the Allowance to the Assistant Commissioners, and the Salary of the Secretary, Assistant Secretaries, Clerks, Messengers, and other Officers to be appointed under this Act, shall be from Time to Time regulated by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three of them: Provided always, that the Salary of a Commissioner shall not exceed the Sum of *Two thousand Pounds* a Year, including any Salary to which he may be entitled under the said Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, nor the Allowances to an Assistant Commissioner the Sum of *Three Pounds* for every Day that he shall be actually employed or travelling in the Performance of the Duties of his Office, including any Allowance to which he may be entitled under the said Act, nor the Salary of the Secretary the Sum of *Eight hundred Pounds* a Year; and that the Salaries of the Assistant Secretaries, Clerks, Messengers, and other Officers shall be in fit Proportion: Provided also, that the said Lord High Treasurer or Commissioners of Her Majesty's Treasury may allow to any Commissioners or Assistant Commissioner, Secretary, Assistant Secretary, Clerk, Messenger, or other Officer, any such reasonable travelling or other Expenses as may have been incurred by him in the Performance of his Duties under this Act, in addition to his Salary or Allowance respectively.

Such Salaries, &c. to be paid out of Moneys to be provided by Parliament.

13. The Salaries, Allowances, and travelling and other Expenses of the Commissioners, Assistant Commissioners, Secretary, Assistant Secretary, Clerks, Messengers, and Officers as aforesaid, and all other incidental Expenses of carrying this Act into execution not herein otherwise provided for, shall be paid by the Lord High

Treasurer or the Commissioners of Her Majesty's Treasury, out of any Monies that may be provided by Parliament for that Purpose.

Declaration of Commissioners and Assistant Commissioners.

14. Every Commissioner shall, before he shall enter upon the Execution of his Office, make the following Declaration before One of the Judges of Her Majesty's Courts of Queen's Bench or Common Pleas, or One of the Barons of the Court of Exchequer:

'I [*A. B.*] do solemnly declare, That I will faithfully, impartially, 'and honestly, according to the best of my Skill and Judgment, 'fulfil all the Powers and Duties of a Commissioner under an 'Act passed in the [ ] Year of the Reign of Queen Victoria, 'intituled [*here set forth the Title of this Act*].'

And every such Assistant Commissioner shall, before he shall enter upon the Execution of his Office, make the like Declaration (substituting the Words "Assistant Commissioner" for the Word "Commissioner") before a Judge or Baron, or before any Justice of the Peace for the County, Riding, Division, Liberty, or Jurisdiction wherein such Assistant Commissioner shall be resident at the Time of his Appointment, or before a Master Extraordinary in Her Majesty's High Court of Chancery; and the Appointment of every such Commissioner and Assistant Commissioner, with the Time when, and the Name or Names of the Judge, Baron, Justices, or Master Extraordinary before whom he shall have made the Declaration as aforesaid, shall be forthwith published in the London Gazette.

Commissioners may delegate Powers, &c.

15. The said Commissioners may delegate to their Assistant Commissioners, or to any *One* or more of them, such of the Powers hereby given to the said Commissioners as the said Commissioners shall think fit, except the Power to confirm Agreements, Awards, or Apportionments, or to frame Forms of Agreements and other Instruments, as herein-after provided, or to do any Act herein required to be done under the Seal of the said Commissioners; and the Powers so delegated shall be exercised under such Regulations as the said Commissioners shall direct; and the said Commissioners may at any Time recall or alter all or any of the Powers delegated as aforesaid, and, notwithstanding the Delegation thereof, may act as if no such Delegation had been made; and all Acts done by any such Assistant Commissioner in pursuance of such delegated Powers shall be obeyed by all Persons as if they had proceeded from the said Commissioners, and the Non-observance thereof shall be punishable in like Manner.

16. When-

16. Whenever any Person interested under the Provisions of this Act shall be a Minor, Idiot, Lunatic, Feme Covert, or under any other legal Disability, or shall be beyond the Seas, the Guardian, Trustees, Committee of the Estate, Husband, or Attorney of such Person respectively, or in case the Party interested shall be unknown then such Person as may be nominated for that Purpose by the said Commissioners under their Hands and Seals, shall for the Purposes of this Act be substituted for such Person interested as aforesaid.

In case Persons interested shall be under legal Disabilities.

17. It shall be lawful for any Person interested under the Provisions of this Act, by a Power of Attorney given in Writing under his Hand, or in the Case of a Corporation Aggregate or Sole under the Common Seal of such Corporation, from Time to Time to appoint an Agent to act for him in carrying into execution the Provisions of this Act; and all Things which by this Act are directed or authorized to be done by or in relation to any such Person may be fully done by or in relation to the Agent so duly authorized of such Person; and every Agent shall have full Power, in the Name and on behalf of his Principal, to concur in and execute any Application, or Act to signify Consent or Dissent, and to vote in any Question arising out of the Execution of this Act; and every Person shall be bound by the Acts of any such Agent, according to the Authority committed to him, as fully as if the Principal of such Agent had so acted; and the Power of Attorney under which the Agent shall have acted, or a Copy thereof, authenticated by the Signature of a Witness or Witnesses, shall be deposited in the Office of the Commissioners; and any such Power of Attorney may be in the Form following:

Agent may be appointed by Power of Attorney.

'I of do hereby appoint
'of to be my Attorney for all the Purposes of an Act
'passed in the Years of Her present Majesty intituled [*insert*
'*the Title of this Act*].
'Witness. Signed *A. B.*'

PART III.

As to the Proceedings at Meetings to be held preparatory to signing a Declaration under this Act.

18. Any One or more Ratepayers whose Interest shall not be less than *One Fourth* of the aggregate Parochial Assessment of the several Parishes in the District through which any Turnpike Road passes may call a Meeting of the Ratepayers of the said several Parishes, by a Notice thereof in Writing under his or their

Meeting of the Ratepayers to be called for signing Declaration.

Hands, to be affixed at least *Twenty-one Days* before such Meeting on the principal outer Door of the Church in each of the said Parishes, and on each of the Toll Houses, Turnpike Gates or Bars, erected upon or along the said Road, and to be *twice* at least during such *Twenty-one Days* inserted in some Newspaper generally circulated in the County or District through which such Road passes, for the Purpose of considering and determining whether it is expedient to discontinue the taking of Tolls upon the Turnpike Road within such District, and the Persons who shall be present at any such Meeting may proceed to make and sign a Declaration to that Effect; and if the Persons signing such Declaration shall represent One Half of the Ratepayers of the aggregate Amount of the Parochial Assessment made upon the several Parishes within the District through which the said Road passes, such Declaration so signed shall be forwarded to the said Commissioners, for their Approval and Confirmation, as herein-after mentioned.

Declaration to be signed at the Meeting.

19. The Majority in Number of the Ratepayers present at any such Meeting as aforesaid shall elect a Chairman who, with the Approval of the Majority of Persons then present, shall adopt such Measures as he may deem expedient for ascertaining the Revenue and the Amount of Debts and Liabilities, together with all other Particulars relating to the Trust, and for such Purposes the Chairman shall be entitled to require, by Notice in Writing under his Hand, addressed to the Clerk of the Trustees or other Officer of the said Turnpike Road, all such Information relative to the said Revenue, Debts, Liabilities, and other Particulars, as he may, in furtherance of the Objects aforesaid, deem necessary, and when so obtained the Chairman shall forward the same, together with such Declaration, to the said Commissioners; and any Clerk or Officer to whom such Notice shall be given is hereby authorized and required to furnish such Information; and the said Chairman shall have Power also to negotiate and enter into an Agreement with any of the Mortgagees, Bondholders, or other Creditors of the said Trust, as to the Amount at which their respective Debts shall be fixed and apportioned in the Award of the Commissioners to be made by them in manner herein-after mentioned.

Chairman may negotiate with Creditors as to the Amount of their respective Debts, &c.

Declaration may be signed within Six Months after the Day when first agreed to.

20. If there shall not be such Interest as aforesaid of Persons present at such Meeting, and consenting to such Declaration as aforesaid, it shall be lawful, notwithstanding, for any One or more of the Persons then present to sign such Declaration; and such Declaration, if signed within *Six Calendar Months* from the Day at which the same was signed as aforesaid by Persons representing *One Half* of the aggregate Amount of the Parochial Assessment made

made upon the several Parishes within the District through which the Turnpike Road passes, shall be deemed as effectual for all Purposes as if agreed to and signed at the said original Meeting.

Meeting may be adjourned.

21. In case an Adjournment of the said Meeting for any Cause shall be desired by a Majority of the Persons present, the Chairman shall adjourn the same to any Time and Place by him then to be declared, and continue such Adjournment from Time to Time, in case the same shall be in like Manner desired by a Majority of the Persons attending such Meeting; and Notice of every such adjourned Meeting shall be given under the Hand of the Chairman, and shall be affixed in a conspicuous Place on the Outside of the Building in which such Meeting or the last Adjournment thereof shall have been holden; and the like Order of Proceeding shall be observed at any such adjourned Meeting, and everything done thereat shall be as effectual as if done at the original Meeting.

Form of Declaration to be settled by the Commissioners.

22. Every such Declaration as aforesaid shall bear Date on the Day on which the First Signature is attached thereto or to the Memorandum or Minute thereof, and shall be in such Form and to such Effect as the Commissioners shall from Time to Time direct.

Declaration when signed to be sent to Commissioners previous to their holding a Meeting for Inquiry &c.

23. Every such Declaration, when completed and signed in manner aforesaid, shall be forwarded to the Office of the Commissioners, who on receiving the same shall, by themselves or by an Assistant Commissioner, cause Inquiry to be made, in order to satisfy themselves that such Declaration has been signed according to the Provisions of this Act, and shall thereupon call a Meeting of the Ratepayers, in like Manner and Form as is provided for holding the original Meeting for making such Declaration, and at such Meeting the said Commissioners or Assistant Commissioner shall proceed to ascertain and fix the Amount of the Debts and Liabilities of the said Trust, and make Provision for Payment of the same, and shall hear and determine any Objections which may be urged before him by any of the Ratepayers attending such Meeting; and the said Commissioners or Assistant Commissioner may from Time to Time adjourn such Meeting, in like Manner as is herein-before directed for the Adjournment of the original Meeting.

May adjourn Meeting.

Commissioners may proceed in the Execution of this Act

24. Provided always, That in case the Interest of the Persons signing such Notice for the original Meeting should not represent *One Fourth* of the aggregate Assessment as herein-before mentioned, or in case the Interest of the Persons present at such

although Notice and Declaration not signed by Persons of sufficient Interest.

original Meeting and signing the Declaration should not represent *One Half* of the aggregate Assessment as herein-before mentioned, it shall be lawful for the Commissioners or Assistant Commissioner attending the Meeting, pursuant to the Provisions aforesaid, to proceed in the Execution of this Act as if the said Notice and Declaration had been signed by Persons whose Interests represented such respective Proportions; but in every such Case as aforesaid in which the said Commissioners or Assistant Commissioner shall deem it expedient to proceed in the Execution of this Act, the Commissioners shall state the Circumstances and Reasons under which they have so proceeded specially in their Report to Parliament as herein-after mentioned.

PART IV.

As to Proceedings at Meetings held by the Commissioners previous to making an Award, and the Abolition of Turnpike Trusts after the Award has been confirmed, by Parliament. Power to borrow Money to pay off Debts apportioned by such Award, and to sell Trust Estate after the same is vested in Commissioners under this Act.

Commissioner or Assistant Commissioner may attend Meetings.

25. The Commissioners or Assistant Commissioner who may attend such Meeting as aforesaid shall examine and ascertain the Amount and Nature of all Mortgages and other Debts and Liabilities to which he shall consider such Trust to be liable, and shall hear and determine all Objections brought before him, and shall ascertain all other Particulars relating to such Trust which he shall deem essential, and for that Purpose the said Commissioners or Assistant Commissioner may, by Summons under his Hand, require the Attendance before him, at a Time and Place to be therein mentioned, of any Trustee or Officer acting in the Execution of the said Trusts, as well as of any other Person whom he may think fit to examine upon any Question or Matter connected with or relating to the Execution of this Act, and may examine upon Oath any such Trustee, Officer, or Person, and may require the Production of any Books, Accounts, Maps, Acts of Parliament, Mortgages, Bonds, Debentures, or other Documents which he may consider to relate to any such Question or Matter; and the Commissioners or Assistant Commissioner may allow to any Witness attending in pursuance of such Summons any Expenses which to them or him may seem reasonable.

Power to summon Witnesses before him and to require Production of Documents.

Power to allow Expenses to Witnesses.

Penalty on giving false Evidence, or

26. Every Person who, being examined under the Authority of this Act, shall wilfully and corruptly give false Evidence, or make

or

or subscribe a false Affidavit or Declaration, shall be deemed guilty of Perjury, and shall suffer the Penalties incident thereto; and every Person who being summoned as aforesaid shall wilfully refuse or neglect to attend, or when present shall refuse to give Evidence, or to produce any such Books, Accounts, Maps, Acts of Parliament, Mortgages, Bonds, Debentures, or other Documents as aforesaid, or shall wilfully alter, suppress, conceal, or destroy any such Documents, such Person shall be liable for every such Offence to a Penalty of *Fifty Pounds*, which may be recovered in the County Court of the District in which such Person shall have been summoned; and on Conviction of the Offender, and in default of Payment of such Penalty, together with the Costs of Suit, the Judge of the said Court shall be empowered to enforce Payment of the same by an Execution against the Goods and Chattels of the Offender, or by Imprisonment in case of an Insufficiency of Assets, according to the ordinary Mode of Procedure for the Recovery of Debts in such Court; and the Penalty so recovered shall be paid to the Surveyors of the Highways of the Parish, Township, or District within which such Conviction shall take place, in aid of the Rate for maintaining and repairing such Highways.

refusing to give Evidence or to produce Documents &c.

27. The Commissioners or Assistant Commissioner shall make a full and particular Record in Writing of such his Proceedings in the Execution of this Act, and shall thereupon make an Award in Writing specifying therein the Names of all such Persons as he may have determined to be entitled to any Monies as Mortgagees or Creditors of such Trust, and whether the Sums of Money due and owing to them respectively shall be payable in One or more Instalments, or otherwise, and shall also specify therein the Names of all such Persons as shall have claimed to be Mortgagees or Creditors of such Trust to whom the said Commissioners shall have determined to award no Sum of Money, and shall also specify therein the Apportionment made of the Sums of Money payable in respect of such Trust in the several Parishes throughout the District in which such Turnpike Road shall be situate, and such Apportionment shall be made according to the Mileage of such Road in each Parish, unless by reason of any special Circumstances the Commissioner or Assistant Commissioner shall deem it expedient to apportion the Debts of the said Turnpike Trust upon the several Parishes within the said District in some other Manner and Form; but in every such Case the said Commissioners shall state the Circumstances and the Reasons for such special Apportionment in their Report to Parliament as herein-after mentioned.

Commissioners to record Proceedings and make an Award.

Award to be delivered to Clerk of Turnpike Trust.

28. The said Commissioners shall forthwith deliver or cause to be delivered a Copy of his Award to the Clerk or other Officer of such Turnpike Trust, who shall within *Seven Days* from the Delivery of the same give Notice in Writing to the several Persons therein named of the Particulars of such Award regarding such Persons respectively: Provided always, that such Award shall not be final and conclusive until the same has been confirmed by Parliament in manner herein-after mentioned.

PART V.

Power to borrow Money to pay off Debts apportioned by Commissioners Award.

Power to borrow Money to pay off Debts awarded.

29. In case any One or more of the Ratepayers whose Interest shall not be less than *One Half* of the aggregate Parochial Assessment of the said several Parishes in the District through which the said Turnpike Road passes shall be desirous of raising the Amount necessary to purchase, pay off, or redeem any of the Debts apportioned in such Award by way of Loan, it shall thereupon be lawful for the said Commissioners, by Warrant under their Hands and Seal, to authorize the borrowing and raising such Loan, together with Interest thereon to be payable from Time to Time by Instalments out of the Rates of the said several Parishes or Townships, in like Manner as is provided by the several Statutes made and now in force for raising Loans for the Improvement of Lands, and all the several Powers and Authorities therein granted for that Purpose shall be applicable for the carrying out the Provisions of this Act in regard to the said Loan.

PART VI.

After Confirmation of Award by Parliament, Turnpike Trusts to vest in the Commissioners, under the Provisions of this Act.

Commissioners to make Reports to Secretary of State to be laid before Parliament.

30. The said Commissioners shall from Time to Time give to any One of Her Majesty's Principal Secretaries of State such Information respecting their Proceedings as such Secretary may require, and shall in the Month of *January* in every Year send to One of the said Principal Secretaries of State a Report of their Proceedings, specifying the Declarations which have been made and sent to them, and the Awards made by them in pursuance thereof, under the Provisions of this Act, together with a Schedule of the several Acts for regulating the Turnpike Trusts proposed to be abolished by such Awards;

Awards; and every such Report shall be laid before both Houses of Parliament within *Six Weeks* after the Receipt of the same by such Principal Secretary of State, if Parliament be then sitting, or if not sitting within *Six Weeks* after the next Meeting of Parliament; and such Commissioners may from Time to Time send such other special Reports in relation to all or any of the Matters aforesaid as they may think fit.

Acts specified in Schedule of Commissioners Report to be repealed, and Turnpike Roads declared public Highways.

31. After the Report of the said Commissioners shall have been sanctioned and confirmed by Parliament, the recited Acts set forth in the Schedule of the said Commissioners Report, or any other Act for amending or continuing the same, shall be repealed, and from thenceforth the Trustees appointed under the said Acts shall be discharged from the Exercise of the Trusts and Powers thereby vested in them, and the collecting and taking of Tolls upon the several Roads comprised in the said Acts shall absolutely cease from the Date of such Sanction and Confirmation, and the said Roads shall be deemed and taken as public Highways or Roads within the several Parishes throughout the District in which the same are respectively situate, and shall be maintained and kept in repair in like Manner as other public Roads within the same District, and shall be subject to the like Powers as are contained in the several Statutes made and now in force for the Regulation of the general public Highways throughout England and Wales.

5 & 6 W. 4. c. 50.
2 & 3 Vict. c. 45.
8 & 9 Vict. c. 71.
25 & 26 Vict. c. 61.
26 & 27 Vict. cc. 61. 94.
27 & 28 Vict. c. 101.

Property of Turnpike Trust to vest in Commissioners.

32. After the Confirmation of the said Commissioners Report by Parliament, all Lands, Quarries, Tenements, and Hereditaments, Toll Houses, Gates, Bars, Monies, Choses in Action, and all other Property whatsoever vested in or belonging to the Trustees of any Turnpike Roads, for the Purposes of the Trust thereof, shall vest in the said Commissioners, for such Interest or Interests as the said Trustees shall have therein, and the said Trustees, and their Officers, and all other Persons in possession thereof, shall surrender the same, and all the Title Deeds, Leases, Contracts, Instruments, Documents, or Things relating thereto, to the said Commissioners, to be by them applied as herein-after directed.

Power of Justices to give Possession of Toll House, &c. to Commissioners or their Agent.

33. If any Toll Collector or other Person shall refuse or neglect, after *Seven Days* Notice in Writing to that Effect, to deliver up to the Commissioners, or to any Person appointed by them for that Purpose, any Toll House or other Building or Property vested in the Commissioners under the Provisions of this Act, or any Matter or Things relating thereto, in the Possession or Custody of such Toll Collector or any other Person, then, upon Application being made

by the Commissioners or any other Person so appointed by them as aforesaid, to the Justice or Justices at Petty Sessions for the District within which such Offence shall be committed, it shall be lawful for such Justice or Justices to order any Constable, with proper Assistance, to enter upon such Toll House or other Building, and to remove any Person found therein, and to take possession thereof, or of any such Property, Matter, or Thing, and to deliver the same to the Commissioners or any Person appointed by them for that Purpose.

Turnpike Trust Property to be sold.

34. The Commissioners shall, so soon as conveniently may be after the Trusts shall be so vested in them as aforesaid, sell and dispose or authorize the Sale and Disposal of the Estate and Interest in such of the Lands or other Real Property of each of the said Turnpike Trusts so vested in them as shall not be required for the Purposes of the said Roads, and the Rights, Members and Appurtenances thereof, and of such Personal Property as aforesaid, either by public Auction or by private Contract, and either in One Lot or in several Lots, as to him shall seem fit, to such Persons as shall be willing to become the Purchasers thereof or of any Part thereof; and the Commissioners shall have full Power and Authority to enter into all necessary Contracts for Sales, or to rescind or vary the same, and to give full and effectual Discharges for the Purchase Money thereof or any Part thereof, and to execute all necessary Conveyances for vesting the same in the Purchase thereof or of any Part thereof, for all the Estate or Interest therein which shall be vested in the Commissioners; and the Commissioners shall and are hereby authorized and required to take down and remove all or any Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, or other Things which shall encroach upon the Road or any of them, and may, if they think fit, take down or remove all or any other Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, or other Things, the Property of the said Turnpike Trusts, and may sell and dispose of the Materials thereof in manner aforesaid: Provided always, that before the Commissioners shall sell and dispose of or offer for Sale and Disposal any Piece of Ground not wanted for the Purposes of the Road they shall offer the same to the Person whose Lands adjoin thereto, and if such Person shall thereupon refuse or shall not agree to purchase the same such Land may be sold to any Person who may be willing to become the Purchaser thereof as aforesaid.

Application of Purchase Money.

35. All Monies to arise from such Sales of the Property of any such Turnpike Trust, after deducting the necessary Expenses thereof, and all Monies to be received from the Trustees or Officers of

of any such Turnpike Trust, shall be applied by the Commissioners in the first instance in discharge of the Expenses of carrying this Act into execution; and the several Parishes, Turnpikes, or Districts wherein is situate the Turnpike Trust from which such Monies shall have arisen shall be entitled to Credit for the Amount of such Monies so applied, and the Commissioners shall allocate the same accordingly.

PART VII.

As to the Costs of carrying out this Act.

Costs of carrying out this Act.

36. All the Costs of and incident to any Proceedings under this Act shall be ascertained and fixed by the Commissioners or Assistant Commissioner; and such Costs shall be included amongst the Debts and Liabilities of the said Turnpike Trust, and shall be apportioned and paid in the same Manner as other Debts and Liabilities of the said Turnpike Trust are apportioned, under the Provisions of this Act.

PART VIII.

As to Forms of Proceedings to be issued by the Commissioners; Interpretation of Words and pleading of this Act.

Forms of Proceedings how to be prepared and issued.

37. All Forms of Notices, Summonses, Declarations, Orders, and Documents requisite for carrying this Act into execution shall be prepared and printed by the Commissioners, and issued at the Expense of the Persons requiring the same.

Summonses to be signed by Assistant Commissioner.

38. All Summonses for the Attendance of Witnesses, and all the Documents required in any Proceedings before an Assistant Commissioner, shall be signed by such Assistant Commissioner.

Awards and other Documents issuing from Commissioners to be under Seal.

39. All Awards, Reports, and other Documents issuing from the Office of such Commissioners shall be signed by them, and stamped with their official Seal.

Interpretation of Words.

40. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be anything in the Subject or Context repugnant to such Construction; the Words "Person" or "Party" shall include the Queen's

Majesty and any Body Corporate, whether aggregate or sole, as well as any Individual or Individuals; the Word "Land" shall include all Property whatsoever rateable to the Repairs of the public Highways; and the Word "Parish" shall include every Township or District separately rated to the Relief of the Poor.

Short Title.

41. This Act may be cited for all Purposes as "The Turnpike Trusts Abolition Act, 1865."

Turnpike Roads.

A

B I L L

To provide for the Maintenance of the Turnpike Roads of England and Wales as public Highways, and for the Discharge of the Debts due thereon by voluntary Commutation.

(Prepared and brought in by Mr. Whalley and Mr. Ayrton.)

Ordered, by The House of Commons, *to be Printed,* 23 *February* 1866.

[Bill 39.]

Under 3 *oz.*

Turnpike Roads Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

PART I.

Powers to Secretary of State to continue expired Acts on certain Terms.

Secretary of State may continue expired Trusts on condition that Tolls be applied to Payment of Debts; Sect. 1.

Secretary of State to ascertain Amount of such Debts; 2.

May delegate Inquiry as to Debts to Inclosure Commissioners; 3.

Orders of Secretary of State to be laid before Parliament; 4.

Power to rescind Orders when Debts paid; 5.

Powers of Secretary of State to apply to Acts still subsisting as the same expire; 6.

PART II.

By whom the Provisions of the present Act shall be carried into execution.

Appointment of Commissioners; 7.

Style of Commissioners. To have a Common Seal. Instruments to be received in Evidence; 8.

Power to appoint and remove Assistant Commissioners, Secretary, and other Officers; 9.

No Commissioner or Assistant Commissioner to sit in the House of Commons; 10.

Limitation of Appointments to Five Years; 11.

Salaries and Allowances; 12.

Such Salaries, &c. to be paid out of Moneys to be provided by Parliament; 13.

Declaration of Commissioners and Assistant Commissioners; 14.

Commissioners may delegate Powers, &c.; 15.

In case Persons interested shall be under legal Disabilities; 16.

Agent may be appointed by Power of Attorney; 17.

PART III.

As to the Proceedings at Meetings to be held preparatory to signing a Declaration under this Act.

Meeting of the Ratepayers to be called for signing Declaration; 18.

Declaration to be signed at the Meeting. Chairman may negotiate with Creditors as to the Amount of their respective Debts, &c.; 19.

Declaration may be signed within Six Months after the Day when first agreed to; 20.

Meeting may be adjourned; 21.

Form of Declaration to be settled by the Commissioners; 22.

Declaration when signed to be sent to Commissioners previous to their holding a Meeting for Inquiry, &c. May adjourn Meeting; 23.

Commissioners may proceed in the Execution of this Act although Notice and Declaration not signed by Persons of sufficient Interest; 24.

PART IV.

As to Proceedings at Meetings held by the Commissioners previous to making an Award, and the Abolition of Turnpike Trusts after the Award has been confirmed by Parliament. Power to borrow Money to pay off Debts apportioned by such Award, and to sell Trust Estate after the same is vested in Commissioners under this Act.

Commissioner or Assistant Commissioner may attend Meetings. Power to summon Witnesses, &c. Power to allow Expenses to Witnesses; 25.

Penalty on giving false Evidence, or refusing to give Evidence or to produce Documents; 26.

Commissioners to record Proceedings and make an Award; 27.

Award to be delivered to Clerk of Turnpike Trust; 28.

PART V.

Power to borrow Money to pay off Debts apportioned by Commissioners Award.

Power to borrow Money to pay off Debts awarded; 29.

PART

PART VI.

After Confirmation of Award by Parliament, Turnpike Trusts to vest in the Commissioners, under the Provisions of this Act.

Commissioners to make Reports to Secretary of State, to be laid before Parliament; 30.

Acts specified in Schedule of Commissioners Report to be repealed and Turnpike Roads declared public Highways; 31.

Property of Turnpike Trust to vest in Commissioners; 32.

Power of Justices to give Possession of Toll House, &c. to Commissioners or their Agent; 33.

Turnpike Trust Property to be sold; 34.

Application of Purchase Money; 35.

PART VII.

As to the Costs of carrying out this Act.

Costs of carrying out this Act; 36.

PART VIII.

As to Forms of Proceedings to be issued by the Commissioners, Interpretation of Words, and Pleading of this Act.

Forms of Proceedings how to be prepared and issued; 37.

Summonses to be signed by Assistant Commissioner; 38.

Awards and other Documents issuing from Commissioners to be under Seal; 39.

Interpretation of Words; 40.

Short Title; 41.

A

BILL

TO

Provide for the Maintenance of the Turnpike Roads of England and Wales as public Highways, and for the Discharge of the Debts due thereon by voluntary Commutation.

WHEREAS it is expedient to alter the Laws relating to Turnpike Roads and Trusts so far as relates to the Tolls levied in respect thereof, and to provide for the Abolition of such Tolls, and for the future Maintenance of such Roads as public Highways, and also to ascertain and redeem the Debts chargeable on such Roads by a rateable Assessment on the several Parishes within the Districts through which such Turnpike Roads may pass by voluntary Commutation as herein-after provided: Preamble.

And whereas by an Act passed in the Twenty-ninth Year of the Reign of Her Majesty, called "The Annual Turnpike Acts Continuance Act, 1865," certain Trusts therein specified or referred to will cease to exist at and after the Period therein mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

PART I.

Powers to Secretary of State to continue expired Act on certain Terms.

1. It shall be lawful for Her Majesty's Secretary of State for the Home Department, by an Order under his Hand, to declare that any Secretary of State may

continue expired Trusts.

any of the Trusts specified or referred to in the said Act shall, notwithstanding that the said Act shall so cease, be continued in full Force and Operation in all respects as though the said Turnpike Trust Continuance Act had been re-enacted and again renewed by an Act of Parliament; but such Declaration and Order shall only be made by the said Secretary of State upon the Conditions and subject to the Restrictions and Limitations herein-after mentioned; that is to say, that from and after the Date and Publication of such Order, or from such Date as shall be therein specified, and not later than the *First Day of January One thousand eight hundred and sixty-seven*, all Tolls which shall be collected at any Gates or Bars which by such Order the Trustees or other Persons may be authorized to collect shall be applied exclusively to the Payment of any Bond, Mortgage, or other Debt which may be now existing, due, or payable in respect of the Roads on which such Gates and Bars shall be so continued, and that from and after the Date aforesaid the said Roads shall be sustained and kept in repair by the several Parishes or Highway Districts in which the same are respectively situated, and in all respects shall be dealt with as to Repair and Maintenance as though no such Order authorizing the Continuance of such Gates and Bars had been made.

Tolls to be applied only to Debts.

Secretary of State to ascertain Amount of Debts to be paid.

2. It shall be lawful for the said Secretary of State, and he is hereby required, in all Cases in which he shall have made such Order for the Continuance of the Gates and Bars of any such Turnpike Trust, forthwith to cause Inquiry to be made into the Amount and also the present actual Value of any Bond, Mortgage, or any other Debt of any such Turnpike Trusts, and, by an Order supplemental to that by which the Powers of the said Trust may have been so continued, to declare the Amount of such Bond, Mortgage, or other Debt, and shall further specify in such Order whether in his Opinion the whole, or if not the whole how much, of such Bond, Mortgage, or other Debts should be paid out of the Tolls hereafter to be collected from the Gates and Bars of any such Trust.

May delegate Inquiries as to Debts to Inclosure Commissioners.

3. It shall be lawful for the said Secretary of State to delegate any Inquiry to be so made by him as to the Debts of any such Trusts, or to any other Matters incident thereto, and which he may deem it essential to be informed upon, to the Inclosure Commissioners; and in carrying out the Instructions of the said Secretary of State to that Effect they shall be entitled to exercise the Powers and Authority by this Act hereafter vested in them for the other Purposes of this Act.

Orders of Secretary of State to be

4. The Secretary of State shall lay before both Houses of Parliament, within One Month after their meeting in each Year, Copies of

of all Orders which, in pursuance of the Powers of this Act, he may have issued, and also of all Supplemental Orders declaring the Amount of Debt to be paid out of the Tolls to be by virtue of such Order collected, and, unless Parliament shall otherwise direct, the same shall be binding upon all Parties interested in the said Trust at and after the Termination of the Session in which such Orders and Supplemental Orders shall be so as aforesaid submitted to Parliament: Provided always, that no Part of the Tolls so as aforesaid to be collected at any Gates or Bars, and continued by such Order as aforesaid, shall be applied to the Payment of any Bond, Mortgage, or other Debt, either as Interest upon such Debt or as Principal, until after the Supplemental Order declaring the Amount of such Debt shall have become binding upon all Parties under the Provisions aforesaid. laid before Parliament.

5. It shall be lawful for the said Secretary of State, and he is hereby required, by a further Order under his Hand, to rescind any previous Order for the Continuance of any such Turnpike Trust so soon as the Bond, Mortgage, or other Debts shall have been paid; and he is hereby authorized and required for that Purpose to demand from Time to Time all such Information as he may deem necessary or expedient, and to cause all such Inquiry to be made as aforesaid as to the Sums received in respect of Tolls, and the Application thereof, and to make such Orders in reference thereto as he may think fit as to what Sums should properly be applied, by the Trustees or other Persons having the Management of such Trusts, in Payment of the Bond, Mortgage, or other Debts so as aforesaid declared to be due and payable; and the Payment of any legal or other Expences shall not be deemed a proper Application of the Tolls, unless the same shall be specially allowed by the said Secretary of State, and which he is hereby authorized, if he shall think fit, to allow, as also any Expences incident to carrying out this Act. Power to rescind Order when Debts paid

6. The said Secretary of State shall have and exercise the Power by this Act conferred in respect of Trusts which expire at the End of this Session, in regard to all other Trusts which do not then expire, and as to which the Term of Years for which the same are now granted shall hereafter cease, as and when such Term shall so cease. Powers of Secretary of State to apply to Acts still subsisting as the same expire.

PART II.

By whom the Provisions of the present Act shall be carried into execution.

7. The Inclosure Commissioners for England and Wales for the Time being shall be the Commissioners for carrying this Act into Appointment of Commissioners.

Execution, and should the same not to be fully carried into effect before the Duties of the said Inclosure Commissioners shall cease, it shall be lawful in such Case for One of Her Majesty's Principal Secretaries of State to appoint any Number of fit Persons to be Commissioners to carry this Act into execution, in the Place of such Commissioners so ceasing to act, and at Pleasure to remove any One or more of the Commissioners so appointed so that the Number of Commissioners shall never exceed *Three;* and upon every Vacancy in the Office of Commissioners some other fit Person shall be appointed to the said Office in like Manner; and until such Appointment it shall be lawful for the remaining Commissioners or Commissioner to act as if no such Vacancy had occurred.

Style of Commissioners.

8. The Commissioners acting in the Execution of this Act shall be styled "The Turnpike Trust Commissioners for England and Wales," and shall have their Office in London or Westminster; and they, or any *Two* of them, may sit from Time to Time as they deem expedient as a Board of Commissioners for carrying this Act into execution; and the said Commissioners shall cause to be made a Seal of the same Board, and shall cause to be sealed or stamped therewith all Agreements; and Awards or Apportionments and other Instruments proceeding from the said Board, or Copies thereof, purporting to be sealed or stamped with the Seal of the said Board, shall be received in Evidence without any further Proof thereof; and no Agreement, Award, or Apportionment shall be of any Force unless the same shall be sealed or stamped as aforesaid.

To have a Common Seal.

Instruments to be received in Evidence.

Power to appoint and remove Assistant Commissioners, Secretary, and other Officers. 8 & 9 Vict. c. 118.

9. It shall be lawful for the said Commissioners from Time to Time to employ such of the Assistant Commissioners appointed under the Provisions of an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, entitled "An Act to "facilitate the Inclosure and Improvement of Commons and Lands "held in common, the Exchange of Lands, and the Division of "intermixed Lands to provide Remedies for defective or in- "complete Executions, and for the Non-execution of the Powers of "General and Local Inclosure Acts; and to provide for the Revival "of such Powers in certain Cases," as they shall see fit, or to appoint a sufficient Number of other Persons to be Assistant Commissioners, and also a Secretary, Assistant Secretary, and all such Clerks, Messengers, and Officers as they shall deem necessary, and to remove such Assistant Commissioners, Secretary, Assistant Secretary, Clerks, Messengers, or Officers, or any of them, and on any Vacancy in any of the said Offices to appoint some other Person to the vacant Office; and the Persons so employed or appointed shall assist in carrying

carrying this Act into execution at such Places and in such Manner as the said Commissioners may direct.

No Commissioner or Assistant Commissioner to sit in the House of Commons.

10. No Commissioner or Assistant Commissioner appointed as aforesaid shall during the Continuance of such Office be capable of being elected or of sitting as a Member of the House of Commons.

Limitation of Appointments to Five Years.

11. No Commissioner or Assistant Commissioner, Secretary, or other Officer or Person so to be appointed, shall hold his Office for a longer Period than *Five Years* next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament; and after the Expiration of the said Period of *Five Years*, and of the End of the then next Session of Parliament, so much of this Act as authorizes such Appointment shall cease.

Salaries and Allowances.

12. The Salaries of the Commissioners, the Allowance to the Assistant Commissioners, and the Salary of the Secretary, Assistant Secretaries, Clerks, Messengers, and other Officers to be appointed under this Act, shall be from Time to Time regulated by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three of them: Provided always, that the Salary of a Commissioner shall not exceed the Sum of *Two thousand Pounds* a Year, including any Salary to which he may be entitled under the said Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, nor the Allowances to an Assistant Commissioner the Sum of *Three Pounds* for every Day that he shall be actually employed or travelling in the Performance of the Duties of his Office, including any Allowance to which he may be entitled under the said Act, nor the Salary of the Secretary the Sum of *Eight hundred Pounds* a Year; and that the Salaries of the Assistant Secretaries, Clerks, Messengers, and other Officers shall be in fit Proportion: Provided also, that the said Lord High Treasurer or Commissioners of Her Majesty's Treasury may allow to any Commissioners or Assistant Commissioner, Secretary, Assistant Secretary, Clerk, Messenger, or other Officer, any such reasonable travelling or other Expenses as may have been incurred by him in the Performance of his Duties under this Act, in addition to his Salary or Allowance respectively.

Such Salaries, &c. to be paid out of Moneys to be provided by Parliament.

13. *The Salaries, Allowances, and travelling and other Expenses of the Commissioners, Assistant Commissioners, Secretary, Assistant Secretary, Clerks, Messengers, and Officers as aforesaid, and all other incidental Expenses of carrying this Act into execution not herein otherwise provided for, shall be paid by the Lord High*

Treasurer or the Commissioners of Her Majesty's Treasury, out of any Moneys that may be provided by Parliament for that Purpose.

Declaration of Commissioners and Assistant Commissioners.

14. Every Commissioner shall, before he shall enter upon the Execution of his Office, make the following Declaration before One of the Judges of Her Majesty's Courts of Queen's Bench or Common Pleas, or One of the Barons of the Court of Exchequer:

'I [*A. B.*] do solemnly declare, That I will faithfully, impartially, 'and honestly, according to the best of my Skill and Judgment, 'fulfil all the Powers and Duties of a Commissioner under an 'Act passed in the [ ] Year of the Reign of Queen Victoria, 'intituled [*here set forth the Title of this Act*].'

And every such Assistant Commissioner shall, before he shall enter upon the Execution of his Office, make the like Declaration (substituting the Words "Assistant Commissioner" for the Word "Commissioner") before a Judge or Baron, or before any Justice of the Peace for the County, Riding, Division, Liberty, or Jurisdiction wherein such Assistant Commissioner shall be resident at the Time of his Appointment, or before a Master Extraordinary in Her Majesty's High Court of Chancery; and the Appointment of every such Commissioner and Assistant Commissioner, with the Time when, and the Name or Names of the Judge, Baron, Justices, or Master Extraordinary before whom he shall have made the Declaration as aforesaid, shall be forthwith published in the London Gazette.

Commissioners may delegate Powers, &c.

15. The said Commissioners may delegate to their Assistant Commissioners, or to any *One* or more of them, such of the Powers hereby given to the said Commissioners as the said Commissioners shall think fit, except the Power to confirm Agreements, Awards, or Apportionments, or to frame Forms of Agreements and other Instruments, as herein-after provided, or to do any Act herein required to be done under the Seal of the said Commissioners; and the Powers so delegated shall be exercised under such Regulations as the said Commissioners shall direct; and the said Commissioners may at any Time recall or alter all or any of the Powers delegated as aforesaid, and, notwithstanding the Delegation thereof, may act as if no such Delegation had been made; and all Acts done by any such Assistant Commissioner in pursuance of such delegated Powers shall be obeyed by all Persons as if they had proceeded from the said Commissioners, and the Non-observance thereof shall be punishable in like Manner.

16. When-

16. Whenever any Person interested under the Provisions of this Act shall be a Minor, Idiot, Lunatic, Feme Covert, or under any other legal Disability, or shall be beyond the Seas, the Guardian, Trustees, Committee of the Estate, Husband, or Attorney of such Person respectively, or in case the Party interested shall be unknown then such Person as may be nominated for that Purpose by the said Commissioners under their Hands and Seals, shall for the Purposes of this Act be substituted for such Person interested as aforesaid.

In case Persons interested shall be under legal Disabilities.

17. It shall be lawful for any Person interested under the Provisions of this Act, by a Power of Attorney given in Writing under his Hand, or in the Case of a Corporation Aggregate or Sole under the Common Seal of such Corporation, from Time to Time to appoint an Agent to act for him in carrying into execution the Provisions of this Act; and all Things which by this Act are directed or authorized to be done by or in relation to any such Person may be fully done by or in relation to the Agent so duly authorized of such Person; and every Agent shall have full Power, in the Name and on behalf of his Principal, to concur in and execute any Application, or Act to signify Consent or Dissent, and to vote in any Question arising out of the Execution of this Act; and every Person shall be bound by the Acts of any such Agent, according to the Authority committed to him, as fully as if the Principal of such Agent had so acted; and the Power of Attorney under which the Agent shall have acted, or a Copy thereof, authenticated by the Signature of a Witness or Witnesses, shall be deposited in the Office of the Commissioners; and any such Power of Attorney may be in the Form following:

Agent may be appointed by Power of Attorney.

'I of do hereby appoint
'of to be my Attorney for all the Purposes of an Act
'passed in the Years of Her present Majesty intituled [*insert*
'*the Title of this Act*].
'Witness. Signed *A. B.*'

PART III.

As to the Proceedings at Meetings to be held preparatory to signing a Declaration under this Act.

18. Any One or more Ratepayers whose Interest shall not be less than *One Fourth* of the aggregate Parochial Assessment of the several Parishes in the District through which any Turnpike Road passes may call a Meeting of the Ratepayers of the said several Parishes, by a Notice thereof in Writing under his or their

Meeting of the Ratepayers to be called for signing Declaration.

Hands, to be affixed at least *Twenty-one Days* before such Meeting on the principal outer Door of the Church in each of the said Parishes, and on each of the Toll Houses, Turnpike Gates or Bars, erected upon or along the said Road, and to be *twice* at least during such *Twenty-one Days* inserted in some Newspaper generally circulated in the County or District through which such Road passes, for the Purpose of considering and determining whether it is expedient to discontinue the taking of Tolls upon the Turnpike Road within such District, and the Persons who shall be present at any such Meeting may proceed to make and sign a Declaration to that Effect; and if the Persons signing such Declaration shall represent One Half of the Ratepayers of the aggregate Amount of the Parochial Assessment made upon the several Parishes within the District through which the said Road passes, such Declaration so signed shall be forwarded to the said Commissioners, for their Approval and Confirmation, as herein-after mentioned.

Declaration to be signed at the Meeting.

19. The Majority in Number of the Ratepayers present at any such Meeting as aforesaid shall elect a Chairman who, with the Approval of the Majority of Persons then present, shall adopt such Measures as he may deem expedient for ascertaining the Revenue and the Amount of Debts and Liabilities, together with all other Particulars relating to the Trust, and for such Purposes the Chairman shall be entitled to require, by Notice in Writing under his Hand, addressed to the Clerk of the Trustees or other Officer of the said Turnpike Road, all such Information relative to the said Revenue, Debts, Liabilities, and other Particulars, as he may, in furtherance of the Objects aforesaid, deem necessary, and when so obtained the Chairman shall forward the same, together with such Declaration, to the said Commissioners; and any Clerk or Officer to whom such Notice shall be given is hereby authorized and required to furnish such Information; and the said Chairman shall have Power also to negotiate and enter into an Agreement with any of the Mortgagees, Bondholders, or other Creditors of the said Trust, as to the Amount at which their respective Debts shall be fixed and apportioned in the Award of the Commissioners to be made by them in manner herein-after mentioned.

Chairman may negotiate with Creditors as to the Amount of their respective Debts, &c.

Declaration may be signed within Six Months after the Day when first agreed to.

20. If there shall not be such Interest as aforesaid of Persons present at such Meeting, and consenting to such Declaration as aforesaid, it shall be lawful, notwithstanding, for any One or more of the Persons then present to sign such Declaration; and such Declaration, if signed within *Six Calendar Months* from the Day at which the same was signed as aforesaid by Persons representing *One Half* of the aggregate Amount of the Parochial Assessment made

made upon the several Parishes within the District through which the Turnpike Road passes, shall be deemed as effectual for all Purposes as if agreed to and signed at the said original Meeting.

Meeting may be adjourned.

21. In case an Adjournment of the said Meeting for any Cause shall be desired by a Majority of the Persons present, the Chairman shall adjourn the same to any Time and Place by him then to be declared, and continue such Adjournment from Time to Time, in case the same shall be in like Manner desired by a Majority of the Persons attending such Meeting; and Notice of every such adjourned Meeting shall be given under the Hand of the Chairman, and shall be affixed in a conspicuous Place on the Outside of the Building in which such Meeting or the last Adjournment thereof shall have been holden; and the like Order of Proceeding shall be observed at any such adjourned Meeting, and everything done thereat shall be as effectual as if done at the original Meeting.

Form of Declaration to be settled by the Commissioners.

22. Every such Declaration as aforesaid shall bear Date on the Day on which the First Signature is attached thereto or to the Memorandum or Minute thereof, and shall be in such Form and to such Effect as the Commissioners shall from Time to Time direct.

Declaration when signed to be sent to Commissioners previous to their holding a Meeting for Inquiry &c.

23. Every such Declaration, when completed and signed in manner aforesaid, shall be forwarded to the Office of the Commissioners, who on receiving the same shall, by themselves or by an Assistant Commissioner, cause Inquiry to be made, in order to satisfy themselves that such Declaration has been signed according to the Provisions of this Act, and shall thereupon call a Meeting of the Ratepayers, in like Manner and Form as is provided for holding the original Meeting for making such Declaration, and at such Meeting the said Commissioners or Assistant Commissioner shall proceed to ascertain and fix the Amount of the Debts and Liabilities of the said Trust, and make Provision for Payment of the same, and shall hear and determine any Objections which may be urged before him by any of the Ratepayers attending such Meeting; and the said Commissioners or Assistant Commissioner may from Time to Time adjourn such Meeting, in like Manner as is herein-before directed for the Adjournment of the original Meeting.

May adjourn Meeting.

Commissioners may proceed in the Execution of this Act

24. Provided always, That in case the Interest of the Persons signing such Notice for the original Meeting should not represent *One Fourth* of the aggregate Assessment as herein-before mentioned, or in case the Interest of the Persons present at such

although Notice and Declaration not signed by Persons of sufficient Interest.

original Meeting and signing the Declaration should not represent *One Half* of the aggregate Assessment as herein-before mentioned, it shall be lawful for the Commissioners or Assistant Commissioner attending the Meeting, pursuant to the Provisions aforesaid, to proceed in the Execution of this Act as if the said Notice and Declaration had been signed by Persons whose Interests represented such respective Proportions; but in every such Case as aforesaid in which the said Commissioners or Assistant Commissioner shall deem it expedient to proceed in the Execution of this Act, the Commissioners shall state the Circumstances and Reasons under which they have so proceeded specially in their Report to Parliament as herein-after mentioned.

PART IV.

As to Proceedings at Meetings held by the Commissioners previous to making an Award, and the Abolition of Turnpike Trusts after the Award has been confirmed, by Parliament. Power to borrow Money to pay off Debts apportioned by such Award, and to sell Trust Estate after the same is vested in Commissioners under this Act.

Commissioner or Assistant Commissioner may attend Meetings.

25. The Commissioners or Assistant Commissioner who may attend such Meeting as aforesaid shall examine and ascertain the Amount and Nature of all Mortgages and other Debts and Liabilities to which he shall consider such Trust to be liable, and shall hear and determine all Objections brought before him, and shall ascertain all other Particulars relating to such Trust which he shall deem essential, and for that Purpose the said Commissioners or Assistant Commissioner may, by Summons under his Hand, require the Attendance before him, at a Time and Place to be therein mentioned, of any Trustee or Officer acting in the Execution of the said Trusts, as well as of any other Person whom he may think fit to examine upon any Question or Matter connected with or relating to the Execution of this Act, and may examine upon Oath any such Trustee, Officer, or Person, and may require the Production of any Books, Accounts, Maps, Acts of Parliament, Mortgages, Bonds, Debentures, or other Documents which he may consider to relate to any such Question or Matter; and the Commissioners or Assistant Commissioner may allow to any Witness attending in pursuance of such Summons any Expenses which to them or him may seem reasonable.

Power to summon Witnesses before him and to require Production of Documents.

Power to allow Expenses to Witnesses.

Penalty on giving false Evidence, or

26. Every Person who, being examined under the Authority of this Act, shall wilfully and corruptly give false Evidence, or make

or

or subscribe a false Affidavit or Declaration, shall be deemed guilty of Perjury, and shall suffer the Penalties incident thereto; and every Person who being summoned as aforesaid shall wilfully refuse or neglect to attend, or when present shall refuse to give Evidence, or to produce any such Books, Accounts, Maps, Acts of Parliament, Mortgages, Bonds, Debentures, or other Documents as aforesaid, or shall wilfully alter, suppress, conceal, or destroy any such Documents, such Person shall be liable for every such Offence to a Penalty of *Fifty Pounds*, which may be recovered in the County Court of the District in which such Person shall have been summoned; and on Conviction of the Offender, and in default of Payment of such Penalty, together with the Costs of Suit, the Judge of the said Court shall be empowered to enforce Payment of the same by an Execution against the Goods and Chattels of the Offender, or by Imprisonment in case of an Insufficiency of Assets, according to the ordinary Mode of Procedure for the Recovery of Debts in such Court; and the Penalty so recovered shall be paid to the Surveyors of the Highways of the Parish, Township, or District within which such Conviction shall take place, in aid of the Rate for maintaining and repairing such Highways.

refusing to give Evidence or to produce Documents &c.

27. The Commissioners or Assistant Commissioner shall make a full and particular Record in Writing of such his Proceedings in the Execution of this Act, and shall thereupon make an Award in Writing specifying therein the Names of all such Persons as he may have determined to be entitled to any Monies as Mortgagees or Creditors of such Trust, and whether the Sums of Money due and owing to them respectively shall be payable in One or more Instalments, or otherwise, and shall also specify therein the Names of all such Persons as shall have claimed to be Mortgagees or Creditors of such Trust to whom the said Commissioners shall have determined to award no Sum of Money, and shall also specify therein the Apportionment made of the Sums of Money payable in respect of such Trust in the several Parishes throughout the District in which such Turnpike Road shall be situate, and such Apportionment shall be made according to the Mileage of such Road in each Parish, unless by reason of any special Circumstances the Commissioner or Assistant Commissioner shall deem it expedient to apportion the Debts of the said Turnpike Trust upon the several Parishes within the said District in some other Manner and Form; but in every such Case the said Commissioners shall state the Circumstances and the Reasons for such special Apportionment in their Report to Parliament as herein-after mentioned.

Commissioners to record Proceedings and make an Award.

Award to be delivered to Clerk of Turnpike Trust.

28. The said Commissioners shall forthwith deliver or cause to be delivered a Copy of his Award to the Clerk or other Officer of such Turnpike Trust, who shall within *Seven Days* from the Delivery of the same give Notice in Writing to the several Persons therein named of the Particulars of such Award regarding such Persons respectively: Provided always, that such Award shall not be final and conclusive until the same has been confirmed by Parliament in manner herein-after mentioned.

PART V.

Power to borrow Money to pay off Debts apportioned by Commissioners Award.

Power to borrow Money to pay off Debts awarded.

29. In case any One or more of the Ratepayers whose Interest shall not be less than *One Half* of the aggregate Parochial Assessment of the said several Parishes in the District through which the said Turnpike Road passes shall be desirous of raising the Amount necessary to purchase, pay off, or redeem any of the Debts apportioned in such Award by way of Loan, it shall thereupon be lawful for the said Commissioners, by Warrant under their Hands and Seal, to authorize the borrowing and raising such Loan, together with Interest thereon to be payable from Time to Time by Instalments out of the Rates of the said several Parishes or Townships, in like Manner as is provided by the several Statutes made and now in force for raising Loans for the Improvement of Lands, and all the several Powers and Authorities therein granted for that Purpose shall be applicable for the carrying out the Provisions of this Act in regard to the said Loan.

PART VI.

After Confirmation of Award by Parliament, Turnpike Trusts to vest in the Commissioners, under the Provisions of this Act.

Commissioners to make Reports to Secretary of State to be laid before Parliament.

30. The said Commissioners shall from Time to Time give to any One of Her Majesty's Principal Secretaries of State such Information respecting their Proceedings as such Secretary may require, and shall in the Month of *January* in every Year send to One of the said Principal Secretaries of State a Report of their Proceedings, specifying the Declarations which have been made and sent to them, and the Awards made by them in pursuance thereof, under the Provisions of this Act, together with a Schedule of the several Acts for regulating the Turnpike Trusts proposed to be abolished by such Awards;

Awards; and every such Report shall be laid before both Houses of Parliament within *Six Weeks* after the Receipt of the same by such Principal Secretary of State, if Parliament be then sitting, or if not sitting within *Six Weeks* after the next Meeting of Parliament; and such Commissioners may from Time to Time send such other special Reports in relation to all or any of the Matters aforesaid as they may think fit.

Acts specified in Schedule of Commissioners Report to be repealed, and Turnpike Roads declared public Highways.

31. After the Report of the said Commissioners shall have been sanctioned and confirmed by Parliament, the recited Acts set forth in the Schedule of the said Commissioners Report, or any other Act for amending or continuing the same, shall be repealed, and from thenceforth the Trustees appointed under the said Acts shall be discharged from the Exercise of the Trusts and Powers thereby vested in them, and the collecting and taking of Tolls upon the several Roads comprised in the said Acts shall absolutely cease from the Date of such Sanction and Confirmation, and the said Roads shall be deemed and taken as public Highways or Roads within the several Parishes throughout the District in which the same are respectively situate, and shall be maintained and kept in repair in like Manner as other public Roads within the same District, and shall be subject to the like Powers as are contained in the several Statutes made and now in force for the Regulation of the general public Highways throughout England and Wales.

5 & 6 W. 4. c. 50.
2 & 3 Vict. c. 45.
8 & 9 Vict. c. 71.
25 & 26 Vict. c. 61.
26 & 27 Vict. cc. 61. 94.
27 & 28 Vict. c. 101.

Property of Turnpike Trust to vest in Commissioners.

32. After the Confirmation of the said Commissioners Report by Parliament, all Lands, Quarries, Tenements, and Hereditaments, Toll Houses, Gates, Bars, Monies, Choses in Action, and all other Property whatsoever vested in or belonging to the Trustees of any Turnpike Roads, for the Purposes of the Trust thereof, shall vest in the said Commissioners, for such Interest or Interests as the said Trustees shall have therein, and the said Trustees, and their Officers, and all other Persons in possession thereof, shall surrender the same, and all the Title Deeds, Leases, Contracts, Instruments, Documents, or Things relating thereto, to the said Commissioners, to be by them applied as herein-after directed.

Power of Justices to give Possession of Toll House, &c. to Commissioners or their Agent.

33. If any Toll Collector or other Person shall refuse or neglect, after *Seven Days* Notice in Writing to that Effect, to deliver up to the Commissioners, or to any Person appointed by them for that Purpose, any Toll House or other Building or Property vested in the Commissioners under the Provisions of this Act, or any Matter or Things relating thereto, in the Possession or Custody of such Toll Collector or any other Person, then, upon Application being made by

by the Commissioners or any other Person so appointed by them as aforesaid, to the Justice or Justices at Petty Sessions for the District within which such Offence shall be committed, it shall be lawful for such Justice or Justices to order any Constable, with proper Assistance, to enter upon such Toll House or other Building, and to remove any Person found therein, and to take possession thereof, or of any such Property, Matter, or Thing, and to deliver the same to the Commissioners or any Person appointed by them for that Purpose.

Turnpike Trust Property to be sold.

34. The Commissioners shall, so soon as conveniently may be after the Trusts shall be so vested in them as aforesaid, sell and dispose or authorize the Sale and Disposal of the Estate and Interest in such of the Lands or other Real Property of each of the said Turnpike Trusts so vested in them as shall not be required for the Purposes of the said Roads, and the Rights, Members and Appurtenances thereof, and of such Personal Property as aforesaid, either by public Auction or by private Contract, and either in One Lot or in several Lots, as to him shall seem fit, to such Persons as shall be willing to become the Purchasers thereof or of any Part thereof; and the Commissioners shall have full Power and Authority to enter into all necessary Contracts for Sales, or to rescind or vary the same, and to give full and effectual Discharges for the Purchase Money thereof or any Part thereof, and to execute all necessary Conveyances for vesting the same in the Purchase thereof or of any Part thereof, for all the Estate or Interest therein which shall be vested in the Commissioners; and the Commissioners shall and are hereby authorized and required to take down and remove all or any Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, or other Things which shall encroach upon the Road or any of them, and may, if they think fit, take down or remove all or any other Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, or other Things, the Property of the said Turnpike Trusts, and may sell and dispose of the Materials thereof in manner aforesaid: Provided always, that before the Commissioners shall sell and dispose of or offer for Sale and Disposal any Piece of Ground not wanted for the Purposes of the Road they shall offer the same to the Person whose Lands adjoin thereto, and if such Person shall thereupon refuse or shall not agree to purchase the same such Land may be sold to any Person who may be willing to become the Purchaser thereof as aforesaid.

Application of Purchase Money.

35. All Monies to arise from such Sales of the Property of any such Turnpike Trust, after deducting the necessary Expenses thereof, and all Monies to be received from the Trustees or Officers

of

of any such Turnpike Trust, shall be applied by the Commissioners in the first instance in discharge of the Expenses of carrying this Act into execution; and the several Parishes, Turnpikes, or Districts wherein is situate the Turnpike Trust from which such Monies shall have arisen shall be entitled to Credit for the Amount of such Monies so applied, and the Commissioners shall allocate the same accordingly.

PART VII.

As to the Costs of carrying out this Act.

Costs of carrying out this Act.

36. All the Costs of and incident to any Proceedings under this Act shall be ascertained and fixed by the Commissioners or Assistant Commissioner; and such Costs shall be included amongst the Debts and Liabilities of the said Turnpike Trust, and shall be apportioned and paid in the same Manner as other Debts and Liabilities of the said Turnpike Trust are apportioned, under the Provisions of this Act.

PART VIII.

As to Forms of Proceedings to be issued by the Commissioners; Interpretation of Words and pleading of this Act.

Forms of Proceedings how to be prepared and issued.

37. All Forms of Notices, Summonses, Declarations, Orders, and Documents requisite for carrying this Act into execution shall be prepared and printed by the Commissioners, and issued at the Expense of the Persons requiring the same.

Summonses to be signed by Assistant Commissioner.

38. All Summonses for the Attendance of Witnesses, and all the Documents required in any Proceedings before an Assistant Commissioner, shall be signed by such Assistant Commissioner.

Awards and other Documents issuing from Commissioners to be under Seal.

39. All Awards, Reports, and other Documents issuing from the Office of such Commissioners shall be signed by them, and stamped with their official Seal.

Interpretation of Words.

40. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be anything in the Subject or Context repugnant to such Construction; the Words "Person" or "Party" shall include the Queen's

Majesty and any Body Corporate, whether aggregate or sole, as well as any Individual or Individuals; the Word "Land" shall include all Property whatsoever rateable to the Repairs of the public Highways; and the Word "Parish" shall include every Township or District separately rated to the Relief of the Poor.

Short Title.

41. This Act may be cited for all Purposes as "The Turnpike Trusts Abolition Act, 1865."

Turnpike Roads.

A

B I L L

To provide for the Maintenance of the Turnpike Roads of England and Wales as public Highways, and for the Discharge of the Debts due thereon by voluntary Commutation.

(Prepared and brought in by Mr. Whalley and Mr. Ayrton.)

Ordered, by The House of Commons, *to be Reprinted,* 18 *April* 1866.

[Bill 113.]

Under 3 *oz.*

A

B I L L

TO

Confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

WHEREAS by an Act of the Fifteenth Year of Her Majesty, Chapter Thirty-eight, "to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls," herein-after referred to as the Principal Act, Power is given to One of Her Majesty's Principal Secretaries of State to make Provisional Orders for reducing the Rate of Interest and for extinguishing the Arrears of Interest on Mortgage Debts charged or secured on the Revenues of Turnpike Roads, in Cases where such Revenues are insufficient for the Payment in full of the Interest charged thereon: And whereas by the Act of the Session of the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Forty-six, the Principal Act is extended to Turnpike Roads, the Acts relating to which are continued by any Annual Turnpike Acts Continuance Act, although their Revenues are not insufficient for such Payments as aforesaid: And whereas, in pursuance of the Principal Act, and the said Act extending the same, the several Provisional Orders referred

Preamble. 14 & 15 Vict. c. 38

24 & 25 Vict. c. 46.

to in the Schedule hereto have been made by Her Majesty's Principal Secretary of State for the Home Department, and there are stated in the said Schedule the Dates of such Orders, and such Particulars relating thereto as are therein specified: And whereas it is expedient that the said Provisional Orders should be confirmed and made absolute: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders confirmed.

1. The several Provisional Orders, the Dates of which are set forth in the First Column of the said Schedule, are hereby confirmed, and the Provisions thereof shall be of the like Force and Effect as if they had been expressly enacted by Parliament.

SCHE-

SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the under-mentioned Rates per Annum.	Dates from which reduced Rate of Interest to commence.
1865.		£ s. d.		
28 June	4 W. 4. c. 11., "An Act for making a "Turnpike Road from Minsterley in "the County of Salop to the Turn- "pike Road leading from Bishop's "Castle in the said County of Salop "to Churchstoke in the County of "Montgomery" - - -	6,323 6 11 4,000 0 0	1*d.* per Cent.	24 June 1865 (Arrears extinguished).
23 Oct.	3 W. 4. c. 17., "An Act for making "and maintaining a Road from "Bishop's Waltham to join the "Botley and Winchester Road at or "near Fisher's Pond in the Parish of "Owslebury in the County of South- "ampton" - - - -	1,500 0 0 2,490 0 0	2*l.* per Cent. 1*l.* per Cent.	1 Oct. 1865 (Arrears extinguished).
14 Nov.	3 W. 4. c. 24., "An Act for repairing "the Road from Bicester in the "County of Oxford to Aylesbury in "the County of Buckingham" -	3,300 0 0	3*l.* 10*s.* per Cent.	24 June 1863 (Arrears extinguished).
28 Nov.	4 Geo. 4. c. 62., "An Act for more "effectually repairing the Roads from "Dyed Way to Somerton, and from "Gawbridge to Tintinhull Fords, and "from a Stream of Water called "Ford to Cartgate in Martock, and "other Roads therein mentioned, in "the County of Somerset" - -	1,550 0 0	3*l.* 15*s.* per Cent.	29 Sept. 1865.
7 Dec.	11 Geo. 4. c. 21., "An Act for more effec- "tually repairing, amending, widen- "ing, and improving the Road from "the West Cowgate, near Newcastle- "upon-Tyne, to the Alemouth Turn- "pike Road in the County of North- "umberland, and for making and "maintaining other Roads commu- "nicating therewith" - -	15,060 0 0	2*l.* per Cent.	31 Dec. 1865.
1866. 12 Feb.	3 W. 4. c. 93., "An Act for maintaining "the Roads from the Town of Kings- "ton-upon-Hull to the Town of "Beverley in the East Riding of "the County of York, and from "Newland Bridge to the West End "of the Town of Cottingham in the "same Riding" - - -	575 0 0	2*l.* 10*s.* per Cent.	23 Dec. 1864.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the under-mentioned Rates per Annum.	Dates from which reduced Rate of Interest to commence.
1866. 5 July	1 Vict. c. 42., "An Act for repairing " and maintaining a Road from near " Salterhebble in the Parish of Halifax " to the Huddersfield and New Hey " Turnpike Road in the Parish of " Huddersfield, and to Sowerby Bridge " in the said Parish of Halifax, all in " the West Riding of the County of " York, with a Bridge on the Line of " the said Road" - - -	£ s. d. 7,154 3 4	4*l.* per Cent.	31 Dec. 1865 (Arrears extinguished).

Turnpike Trusts Arrangements.

A

BILL

To confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

(Prepared and brought in by Mr. Secretary Walpole and Mr. Hunt.)

Ordered, by The House of Commons, *to be Printed,* 20 *July* 1866.

[Bill 228.] *Under* 1 *oz.*

Vaccination Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preamble.

1. Repeal of former Acts. Exception and Saving.
2. Guardians to divide Unions and Parishes into Vaccination Districts, subject to Approval of the Poor Law Board.
3. If the Board do not approve, another Scheme to be prepared; when approved Guardians to contract for Performance of Vaccination.
4. Qualification of Vaccinator to be prescribed by the Privy Council, and other Regulations to be prescribed by the Lords, who may cause Inquiries to be made, and dispose of Monies advanced for Supply of Lymph.
5. Fees for Vaccination.
6. Conditions may be imposed in the Contracts.
7. Provision for Re-vaccination.
8. Contract not valid unless approved of by the Poor Law Board who may determine the same at any Time.
9. No Payment to be made out of the Poor Rate or any other public Fund unless the Poor Law Board have approved of the Contract.
10. No Public Vaccinator to be paid for Vaccination out of his District.
11. Provision for Districts in particular Places of scanty Population.
12. Guardians to give Notice of Alteration in Districts.
13. The Registrar General to provide Forms. His Expenses.
14. Registrar of Births to deliver Notice of Vaccination to Parent or other Person registering Birth.
15. Parent or other Person to procure the Vaccination of Child within certain Periods.
16. Provision for Inspection of Vaccination.
17. Provision for the Unfitness of the Child for Vaccination.
18. Provision for successive Certificates.
19. Provision for Insusceptibility of successful Vaccination.
20. Certificate of successful Vaccination to be transmitted to the Registrar, and a Duplicate given to the Parent.
21. No Fee to be charged for Certificate.

Clauses.

22. Parent to transmit Certificate of Vaccination by Medical Practitioner.

23. Registrars to keep Books, and Registers of Vaccination to be open to Searches. Fees for Searches and Copies. Proviso.

24. Registrar to be paid Fees by the Board of Guardians.

25. Vaccination declared to be not Parochial Relief so as to disqualify.

26. Guardians may pay certain Expenses out of their Funds.

27. Parent neglecting to procure Vaccination of the Child liable to Penalty.

28. Vaccinator and Parent neglecting to transmit Certificate, and Persons sending false Certificates, liable to Penalty.

29. Justices may make an Order for the Vaccination of any Child under Thirteen Years. Penalty for Disobedience.

30. Penalty upon Persons inoculating with Smallpox.

31. Penalty for carelessly conveying Smallpox Patients in public Conveyances.

32. The Statutes 12 & 13 Vict. c. 43. and 7 & 8 Vict. c. 101 s. 59. to apply to these Proceedings.

33. Notice not to be proved by Prosecutors. Certificates to be a Defence.

34. Interpretation Clause.

35. Title of the Act.

SCHEDULES.

A

B I L L

TO

Consolidate and amend the Statutes relating to Vaccination in England.

WHEREAS it is expedient to consolidate and amend the Statutes relating to Vaccination in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. From and after the *Twenty-ninth Day of September next*, the Statute of the Third and Fourth Years of the Reign of Her Majesty, Chapter Twenty-nine, that of the Fourth and Fifth Years of the same Reign, Chapter Thirty-two, that of the Sixteenth and Seventeenth Years of the same Reign, Chapter One hundred, the Seventh Section of the Statute of the Twenty-first and Twenty-second Years of the same Reign, Chapter Twenty-five, the Second Section of the Statute of the Twenty-first and Twenty-second Years of the same Reign, Chapter Ninety-seven, and the Statute of the Twenty-fourth and Twenty-fifth Years of the same Reign, Chapter Fifty-nine, shall be repealed,— Repeal of former Acts.

Except in regard to the Divisions and Districts of Unions and Parishes previously made, all Contracts under the said Statutes then in force, and all Acts and Proceedings duly commenced under the same, Exception and Saving.

same, and not then completed, and all Liabilities and Responsibilities incurred under the same, all which shall remain in as full Force as if the same Statutes had not been repealed, unless they be in any respect inconsistent with the Provisions herein contained.

Guardians to divide Unions and Parishes into Vaccination Districts, or to consolidate or alter them, subject to Approval of the Poor Law Board.

2. The Guardians of every Union or Parish where the same shall not have been divided into Districts for the Purpose of Vaccination shall, unless such Union or Parish respectively shall be of so limited an Area as not to require Subdivision, in which Case the same shall be treated as a Vaccination District within the Meaning hereof, forthwith divide the Union or Parish for which they act into Districts for the Performance of Vaccination, and when the Poor Law Board shall by their Order require any Districts for the Time being to be consolidated or otherwise altered, the Guardians shall proceed to consolidate or alter the same, and they shall in every such Case of Division, Consolidation, or Alteration report their Proposal to the Poor Law Board for their Approval, which Board shall approve or disapprove of the same as they see fit; and the Guardians of every Union or Parish may with like Approval from Time to Time, as they shall find it requisite, alter the Districts heretofore formed or hereafter to be formed for the Purpose of Vaccination.

If the Board do not approve, another Scheme to be prepared; when approved Guardians to contract for Performance of Vaccination.

3. If the said Board disapprove of the Proposal the Guardians shall forthwith proceed to prepare another, and submit the same to the said Board for Approval, and so on from Time to Time as shall be requisite until their Proposal shall be approved, and when the said Board shall have approved of the same the Guardians shall enter into a Contract with some duly registered Medical Practitioner for the Performance of Vaccination of all Persons resident within each District; and every such Medical Practitioner shall be termed the Public Vaccinator of the District; and as and when the Contracts now existing shall determine the Guardians shall enter into others, with such Modifications as the Circumstances shall render necessary, subject to the like Approval of the Poor Law Board as aforesaid.

Qualification of Vaccinator to be prescribed by the Privy Council, and other Regulations to be prescribed by the Lords.

4. No Person shall be appointed a Public Vaccinator who shall not possess the Qualification heretofore prescribed by the Lords of Her Majesty's Council, or such as shall be from Time to Time hereafter prescribed by them, except when such Lords shall upon sufficient Cause sanction any Departure from their Directions; and all such Regulations as the said Lords have heretofore made or shall hereafter make to secure the efficient Performance of Vaccination or the Provision and Supply of Vaccine Lymph by the Public Vaccinator shall be duly observed by the several Persons to whom they apply; and the said Lords may from Time to Time cause such Inquiries

quiries to be made relating to the Observance of such Regulations and to the Execution of this Act as to them shall seem fit; and shall direct how any Money hereafter to be provided by Parliament for or towards defraying the Expenses of the National Vaccine Establishment, or otherwise providing for the Supply of Vaccine Lymph, shall be applied.

Fees for Vaccination.

5. Every such Contract for Vaccination shall provide for Payment in respect only of the successful Vaccination of Persons, and so that the Rate of Payment shall be not less than the following; that is to say, for every Person successfully vaccinated at an appointed Station situated at or within *Two Miles* from the Residence of the Vaccinator, or in the Workhouse of the Union or Parish, not less than *One Shilling and Sixpence;* and for every Person successfully vaccinated at any Station more than *Two Miles* distant from his Residence, a Sum not less than *Two Shillings and Sixpence,* such Distance being measured according to the nearest public Carriage Road.

Conditions may be imposed in the Contracts.

6. The Guardians may, with the Consent of the Poor Law Board, make Stipulations and Conditions in their Contracts to secure with Effect the Fulfilment of the Provisions of this Act on the Part of the Vaccinator, and shall provide all Stations at which the Vaccination shall be appointed to be performed other than the Surgery or Residence of the Public Vaccinator.

Provision for Re-vaccination.

7. The Provisions of the Contracts entered into before the Date hereof shall not after the Twenty-ninth Day of September next apply to the Cases of Persons who having been previously successfully vaccinated shall be re-vaccinated, but if the Lords of Her Majesty's Council shall have issued or shall hereafter issue Regulations in respect of the Re-vaccination of such Persons, which such Lords are hereby authorized to do, the Guardians shall pay in respect of every Case of successful Re-vaccination performed in conformity with such Regulations under such Contracts or under new Contracts entered into after the Date hereof a Sum amounting to *Two Thirds* of the Fee payable upon each Case of successful primary Vaccination.

Contract not valid unless approved of by the Poor Law Board who may determine the same at any Time.

8. No Contract for Vaccination entered into under the Provisions of this Act shall be valid until the same shall have been approved of by the Poor Law Board, and such Board may at their Discretion, upon the Application of the Lords of Her Majesty's Council or otherwise, at any Time after the same shall have been approved of by them determine it either forthwith or at a future Day.

No Payment to be made out of the Poor Rate

9. No Payment in respect of Vaccination shall be made out of the Common Fund of any Union, or out of the Poor Rate of any Parish, or out of any other public or parochial Fund, where the

or any other public Fund unless the Poor Law Board have approved of the Contract.

Poor Law Board shall not have approved of a Contract for the Performance thereof, or after they shall have determined any such Contract; and every Payment made contrary hereto shall be disallowed by the Auditor in the Accounts of every Board of Guardians, or of the Overseers, or of any Officer who shall havemade the same.

No public Vaccinator to be paid for Vaccination out of his District.

10. Where a District shall have been or shall be assigned to a Vaccinator, he shall not be entitled to be paid a Fee in respect of the Vaccination or Re-vaccination of any Child or other Person resident out of his District, except in case of a Vacancy in the Office of Vaccinator in any adjoining District, or of the Default of the Vaccinator therein, of which Default Notice shall have been given to him in Writing by the Guardians.

Provision for Districts in particular Places of scanty Population.

11. The Guardians may with the Consent of the Poor Law Board provide in Districts where the Population is scanty or much scattered, or where some peculiar Circumstances may render it expedient for them to do so, for the Attendance of the Public Vaccinator at the appointed Places after Intervals exceeding Three Months; and if by reason of such Intervals the Vaccination of any Child cannot be performed within the respective Periods herein prescribed, no Parent or other Person who would otherwise be liable shall be liable to any Penalty in respect of a Neglect to procure the Vaccination during any such Period; but every such Parent or other Person shall be bound to procure such Vaccination to be performed at the Time and Place so appointed, before the Commencement of the next Interval, unless it be otherwise performed by a Medical Practitioner as herein provided, or unless the Child shall be certified to be then in an unfit State for or insusceptible of Vaccination.

Guardians to give Notice of Alteration in Districts.

12. When the Guardians make any Alteration in a Vaccination District, or otherwise in the local Arrangements for Vaccination, they shall give public Notice of such Alteration by Advertisement in some Newspaper circulating in their Union or Parish, and by printed Papers to be affixed in the Districts affected by such Alteration for One Month prior to the Alteration taking effect.

The Registrar General to provide Forms.

13. The Registrar General for England and Wales shall, when he shall deem it necessary, from Time to Time, as Occasion shall require, after the passing of this Act, frame and provide appropriate Books, Forms, and Regulations for the Use and Guidance of the Registrars in the Exercise of their Duties therein prescribed, and also such Forms as shall be required for the Use of the Public Vaccinators and Medical Practitioners under the Provisions of this Act, and shall transmit the same to all Registrars, who shall retain such as relate to themselves, and distribute among the Vaccinators within their respective Districts such as relate to them without any

Fee

Fee or Reward; and the Expenses thereby incurred by the Registrar General and Registrars respectively shall be defrayed as Expenses incurred by such Registrar General under the Act of the Sixth and Seventh Years of King William the Fourth, Chapter Eighty-five. His Expenses.

14. The Registrar of Births shall, on or within *Seven Days* after the Registration with him of the Birth of any Child not already vaccinated, give a Notice, according to the Form in the Schedule hereto annexed marked A., or to the like Effect, to the Parent, or in the event of the Death, Illness, Absence, or Inability of the Parent to the Person having the Custody of such Child, if known to him, requiring such Child to be duly vaccinated according to the Provisions of this Act, and specifying the Days, Hours, and Places where the Public Vaccinator of the Vaccination District wherein such Child resides, or the Vaccinator of any Station duly authorized by the Lords of Her Majesty's Council, will attend for the Purpose of performing the Operation, and such Notice shall be accompanied with Forms according to those in the said Schedule marked B., C., and D. Registrar of Births to deliver Notice of Vaccination to Parent or other Person registering Birth.

15. The Parent of every Child born in England shall within *Three Months* after the Birth of such Child, or in the event of the Death, Illness, Absence, or Inability of both Parents, the Person having the Custody of such Child, shall within Four Months after its Birth take or cause to be taken such Child to the Public Vaccinator of the Vaccination District in which it shall be then resident, according to the Provisions of this or some preceding Act or to some duly Registered Medical Practitioner to be vaccinated, and the Public Vaccinator to whom such Child shall be so brought is hereby required forthwith, subject to the Conditions herein-after mentioned, to vaccinate such Child. Parent or other Person to procure the Vaccination of Child within certain Periods.

16. Upon the *Seventh Day* following the Day on which the Operation shall have been performed such Parent or other Person, as the Case may be, shall again take the Child or cause it to be taken to the Public Vaccinator, that he may inspect it, and ascertain the Result of the Operation, and, if he see fit, take from such Child Lymph for the Performance of other Vaccinations; and in the event of the Vaccination being unsuccessful such Parent or other Person shall, if the Vaccinator so direct, cause the Child to be forthwith re-vaccinated and inspected as on the previous Occasion. Provision for Inspection of Vaccination.

17. If any Public Vaccinator or Medical Practitioner shall be of opinion that any Child brought to him for Vaccination is not in a fit and proper State to be successfully vaccinated he shall forthwith deliver to the Parent or other Person having the Custody of such Child a Certificate under his Hand according to the Form Provision for the Unfitness of the Child for Vaccination.

in the Schedule hereto annexed marked B., or to the like Effect, that the Child is then in a State unfit for successful Vaccination, which Certificate shall remain in force for *Two Months*, and shall be renewable for successive Periods of *Two Months*, until such Public Vaccinator or Medical Practitioner shall deem the Child to be in a fit State for successful Vaccination, when the Child shall be forthwith vaccinated, and the Certificate of successful Vaccination duly given.

Provision for successive Certificates.

18. At the End of each successive Period the Parent or such Person as aforesaid shall take or cause the Child to be taken to some Public Vaccinator or Medical Practioner, who shall then examine the Child, and give the Certificate according to the said Form B., so long as he deems requisite, under the Circumstances of the Case.

Provision for Insusceptibility of successful Vaccination.

19. If any such Public Vaccinator or Medical Practitioner shall find that a Child whom he has more than once unsuccessfully vaccinated is insusceptible of successful Vaccination, he shall deliver to the Parent or other Person as aforesaid a Certificate under his Hand, according to the Form in the Schedule hereunto annexed marked C., or to the like Effect; and the Parent or such Person as aforesaid shall thenceforth not be required to cause the Child to be vaccinated.

Certificate of successful Vaccination to be transmitted to the Registrar, and a Duplicate given to the Parent.

20. Every Public Vaccinator who shall have performed the Operation of Vaccination upon any Child, and have ascertained that the same has been successful, shall, within *Twenty-one Days* after the Performance of the Operation, transmit by Post or otherwise a Certificate according to Form (D.) in the said Schedule, or to the like Effect, certifying that the said Child has been successfully vaccinated, to the Registrar of Births and Deaths in the District within which the Birth was registered, but if such District be not known to him, or if the Birth of the Child shall not have been registered, to the Registrar within whose District the Operation shall have been performed, and upon Request shall deliver a Duplicate thereof to the Parent or other Person as aforesaid.

No Fee to be charged for Certificate.

21. No Fee or Remuneration shall be charged by the Public Vaccinator to the Parent or other Person for any such Certificate or Duplicate Certificate as aforesaid.

Parent to transmit Certificate of Vaccination by Medical Practitioner.

22. Where the Vaccination shall be performed by a Medical Practitioner not being a Public Vaccinator, the Parent or other Person as aforesaid causing the Child to be vaccinated shall submit a Certificate according to the said Form marked (D.) to such Medical Practitioner, for his Signature, and shall within *Twenty-one Days* after the Performance of the Operation transmit the same so signed, by Post or otherwise, to the Registrar of the District where the Birth of such Child was registered, or if such Child shall not have been registered, or the District of the Registration shall not be known

to

to such Parent or other Person, to the Registrar of the District in which the Operation shall have been performed.

Registrar to keep Books and Registers of Vaccination to be open to Searches.

23. Every Registrar shall keep a Book in which he shall enter Minutes of the Notices of Vaccination given by him as herein required, and also register the Certificates transmitted to him as herein provided, and shall at all reasonable Times allow Searches to be made therein, and upon Demand give a Copy under his Hand or under that of his Deputy of any Entry in the same, on Payment of a Fee of *One Shilling* for each Search and Sixpence for each Copy; and every Registrar shall receive a Fee of *One Penny* in respect of every Child whose Birth he shall have registered and in respect of whom he shall give the Notice as aforesaid, and another Fee of *Threepence* in respect of every such Child whose Certificate of Vaccination he shall have registered as herein provided, and he shall receive a Fee of *One Penny* in respect of each Child whose Certificate of Vaccination he shall have registered without having registered the Birth: Provided that no Fee shall be charged for any Search made by a Public Vaccinator, or any Officer of the Guardians, authorized by them to make such Search, or any Inspector appointed by the Poor Law Board or the Lords of Her Majesty's Council.

Fees for Searches and Copies.

Proviso.

Registrar to be paid Fees by the Boards of Guardians.

24. The Registrar shall make out in Duplicate an Account of the Fees to which he shall be entitled under this Act quarterly, and submit the same to the Guardians of the Union or Parish for which he acts, and they shall, after examining the same and finding it to be correct, forthwith pay the Amount of the same out of the Funds in their Possession, and transmit One of the said Accounts to the Poor Law Board.

Vaccination declared to be not Parochial Relief so as to disqualify.

25. It is hereby declared, That the Vaccination, or the Surgical or Medical Assistance incident to the Vaccination, of any Person in a Union or Parish, heretofore or hereafter performed or rendered by a Public Vaccinator, shall not be considered to be Parochial Relief, Alms, or charitable Allowance to such Person or his Parent, and no such Person or his Parent shall by reason thereof be deprived of any Right or Privilege or be subject to any Disability or Disqualification.

Guardians may pay certain Expenses out of their Funds.

26. The Guardians of any Union or Parish may pay out of their Funds all reasonable Expenses incurred by them in causing Notices to be printed and circulated as to the Provisions of this Act, and in and about Inquiries and Reports as to the State of Smallpox or Vaccination in their Union or Parish, and in taking Measures to prevent the Spread of Smallpox and to promote Vaccination upon any actual or expected Outbreak of that Disease therein, and may

compensate any Officer appointed by them to prosecute Persons charged with Offences against this Act, or otherwise to enforce its Provisions.

Parent neglecting to procure Vaccination of the Child liable to Penalty.

27. Every Parent or Person having the Custody of a Child who shall neglect to take such Child or cause it to be taken to be vaccinated, or after Vaccination to be inspected or re-vaccinated and re-inspected, according to the Provisions of this Act, shall be guilty of an Offence, and be liable to be proceeded against summarily, and upon Conviction to pay a Penalty not exceeding *Twenty Shillings*.

Vaccinator and Parent neglecting to transmit Certificate, and Persons sending false Certificates, liable to Penalty.

28. Every Public Vaccinator, Parent or Person, as the Case shall require, who shall neglect to transmit the Certificate of successful Vaccination completely filled up and clearly and legibly written to the Registrar within the Time herein specified, and every Public Vaccinator who shall refuse to deliver the Duplicate to the Parent or other Person, on Request, and every Medical Practitioner who shall wilfully refuse to sign the Certificate of successful Vaccination when submitted to him as aforesaid, shall be liable to pay upon a summary Conviction a Penalty not exceeding *Twenty Shillings;* and every Person who shall wilfully sign a false Certificate or Duplicate under this Act shall be guilty of a Misdemeanor, and punishable accordingly.

Justices may make an Order for the Vaccination of any Child under 13 Years.

29. If any Registrar, or any Officer appointed by the Guardians to enforce the Provisions of this Act, shall inform a Justice of the Peace that he has Reason to believe that any Child under the Age of *Thirteen Years*, being within the Union or Parish for which the Informant acts, has not been vaccinated, the said Justice may summon the Parent or Person having the Custody of such Child to appear with the Child before him at a certain Time and Place, and upon such Appearance, if the Justice shall find that the Child shall not have been successfully vaccinated, he may, if he see fit, make an Order under his Hand and Seal, directing such Child to be vaccinated within a certain Time, and if at the Expiration of such Time the Child shall not have been so vaccinated, and shall not be shown to be then unfit to be vaccinated, or to be insusceptible of Vaccination, the Person upon whom such Order shall have been made shall be proceeded against summarily, and shall be liable to a Penalty not exceeding *Twenty Shillings;* and it shall be no Answer to the making of such Order that the Person upon whom it shall be proposed to make it shall have been previously convicted of an Offence under this or any other Act relating to Vaccination.

Penalty for Disobedience.

Penalty upon Persons inoculating with Smallpox.

30. Any Person who shall after the passing of this Act produce or attempt to produce in any Person by Inoculation with Variolous Matter, or by wilful Exposure to Variolous Matter, or to any Matter, Article, or Thing impregnated with Variolous Matter, or wilfully by

by any other Means whatsoever, produce the Disease of Smallpox in any Person, shall be guilty of an Offence, and shall be liable to be proceeded against summarily, and upon Conviction to be imprisoned for any Term not exceeding *One Month*.

Penalty for wilfully exposing Smallpox Patients or carelessly conveying them in public Conveyances.

31. Every Person who shall wilfully and without due Caution expose himself, or any Child or other Person being then infected with the Disease of Smallpox, in any public Place, to the Danger of the Queen's Subjects there being or passing by, and every Person who shall wilfully and without reasonable Precaution convey or cause to be conveyed in a public Carriage or Vessel containing other Passengers any Person then infected with such Disease, shall be deemed guilty of an Offence, and shall be liable to be proceeded against summarily, and upon Conviction to pay a Penalty not exceeding *Five Pounds*.

The Statutes 12 & 13 Vict. c. 43. and 7 & 8 Vict. c. 101. s. 59. to apply to these Proceedings.

32. The Statute of the Twelfth and Thirteenth Victoria, Chapter Forty-three, shall apply to all Proceedings to be taken under this Act; and the Justices for the County, City, Borough, or other Place where the Offence shall have been committed shall have Jurisdiction to hear and determine the Complaint, and where a Union or Parish shall be comprised in several Jurisdictions the Complaint as to any Matter arising in such Union or Parish may be heard and determined in any One of such Jurisdictions; and all Prosecutions undertaken by the Guardians or their Officers or any Registrar under this Act shall be deemed to be within the Operation of the Seventh and Eighth Victoria, Chapter One hundred and one, Section Fifty-nine, and the Union Chargeability Act of 1865, Section Nine.

Notice not to be proved by Prosecutors. Certificates to be Defence.

33. In any Prosecution for Neglect to procure the Vaccination of a Child, it shall not be necessary in support thereof to prove that the Defendant had received Notice from the Registrar or any other Officer of the Requirements of the Law in this respect, but if the Defendant produce any such Certificate as herein-before described, the same shall be a sufficient Defence for him, except in regard to the Certificate marked (B.), when the Time specified therein for the Postponement of the Vaccination shall have expired before the Time when the Information shall have been laid.

Interpretation Clause.

34. The Word "Parent" shall mean and include the Father and Mother of a legitimate Child and the Mother of an illegitimate Child; and the several Words herein contained shall be construed, except where any Inconsistency would ensue from such Construction, in the same Manner as in the several Acts for the Amendment of the Law for the Relief of the Poor.

Title of the Act.

35. This Act may be cited as "The Vaccination Act of 1866."

SCHEDULE OF FORMS.

A.

I, the undersigned, hereby give you Notice to have the Child (*insert Name*), whose Birth is now registered, vaccinated within (*insert Three or Four, as the Case shall require,*) Months from the Date of its Birth, pursuant to the Provisions and Directions of the Vaccination Act; and that in default of your doing so you will be liable to the Penalties thereby imposed for Neglect of those Provisions.

If you intend to apply to the Public Vaccinator of your District I have to inform you that he will attend at on at the Hour of .

You are required to produce to the Public Vaccinator or Medical Practitioner who may be applied to the accompanying Papers for his Signature; and if the Operation be performed by a Medical Practitioner who is not the Public Vaccinator, you must transmit to me by Post or otherwise the Certificate signed by him within Twenty-one Days after the Performance of the Operation, or you will be liable to a Penalty of Twenty Shillings, to be recovered on a summary Conviction.

Dated this Day of 18 .

(Signed) *C.D.*,
Registrar of Births and Deaths for the Sub-District of in the Union *or* Parish.

B.

I, the undersigned, hereby certify, That I am of opinion that the Child of of in the Parish *or* Township of in the County or Borough of aged is not now in a fit and proper State to be successfully vaccinated. I do hereby postpone the Vaccination until the Day of .(*a*)

Dated this Day of 18 .

(Signed) *A.B.*,
Public Vaccinator of the Union *or* Parish.
or A.B., of
Medical Practitioner (*i.e.* M.D., L.A.C., or F.R.C.S., *as the Case may be*).

Mem.—This is to be kept by the Parent or other Person to whom it is given.

(*a*) *This must not exceed Two Calendar Months from the Date of the Certificate.*

C.

I, the undersigned, hereby certify, That I have Times unsuccessfully vaccinated the Child of of in the Parish *or* Township of in the County *or* Borough of aged , and I am of opinion that such Child is insusceptible of successful Vaccination.

Dated this Day of 18 .

(Signed) *A.B.*,
Public Vaccinator of the Union *or* Parish.
or A.B., of
Medical Practitioner (*i.e.* M.D., L.A.C., or F.R.C.S., *as the Case may be*).

Mem.—This is to be kept by the Parent or other Person to whom it is given.

D.

I, the undersigned, hereby certify, That the Child of aged of in the Parish *or* Township of in the County *or* Borough of has been successfully vaccinated by me.

Dated this Day of 18 .

(Signed) *A.B.*,
Public Vaccinator of the Union *or* Parish.
or A.B., of
Medical Practitioner (*i.e.* M.D., L.A.C., or F.R.C.S., *as the Case may be*).

Notice.—*This Certificate is to be transmitted within Twenty-one Days from the Performance of the Operation by the Public Vaccinator to the Registrar of the District in which the Birth was registered, or, if that be not known to him, to the Registrar of the District in which the Operation was performed. A Duplicate is to be given to the Parent, or other Person procuring the Vaccination, if requested.*

When the Vaccination is performed by a Medical Practitioner, not the Public Vaccinator of the District, the Parent or such other Person is within the same Time to transmit it to the Registrar with whom the Birth was registered, or, if his District be not known to such Parent or other Person, to the Registrar of the District in which the Operation was performed.

The Transmission may be by Post or otherwise.

In each Case the Vaccination Act of 1866 *imposes a Penalty of Twenty Shillings for Default.*

Vaccination.

A

B I L L

To consolidate and amend the Statutes relating to Vaccination in England.

(*Prepared and brought in by Mr. Bruce and Mr. Baring.*)

Ordered, by The House of Commons, *to be Printed*, 22 *February* 1866.

[Bill 33.]

Under 2 oz.

To be substituted for the Bill already delivered.

Vaccination Bill.

AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

Preamble.

1. Repeal of former Acts. Exception and Saving.
2. Guardians to divide Unions and Parishes into Vaccination Districts, or to consolidate or alter them, subject to Approval of the Poor Law Board.
3. If the Board do not approve, another Scheme to be prepared; when approved Guardians to contract for Performance of Vaccination.
4. Qualification of Vaccinator to be prescribed by the Privy Council, and other Regulations to be prescribed by the Lords, who may cause Inquiries to be made, and dispose of Monies advanced for Supply of Lymph.
5. Gratuities to Public Vaccinators.
6. Fees for Vaccination.
7. Conditions may be imposed in the Contracts.
8. Provision for Re-vaccination.
9. Contract not valid unless approved of by the Poor Law Board, who may determine the same at any Time.
10. No Payment to be made out of the Poor Rate or any other public Fund unless the Poor Law Board have approved of the Contract.
11. No Public Vaccinator to be paid for Vaccination out of his District.
12. Provision for Districts in particular Places of scanty Population.
13. Guardians to give Notice of Alteration in Districts.
14. The Registrar General to provide Forms. His Expenses.
15. Registrar of Births to deliver Notice of Vaccination to Parent or other Person registering Birth.
16. Parent or other Person to procure the Vaccination of Child within certain Periods.
17. Provision for Inspection of Vaccination.
18. Provision for the Unfitness of the Child for Vaccination.
19. Provision for successive Certificates.

Clauses.

20. Provision for Insusceptibility of successful Vaccination.
21. Certificate of successful Vaccination to be transmitted to the Registrar, and a Duplicate given to the Parent.
22. No Fee to be charged for Certificate.
23. Parent to transmit Certificate of Vaccination by Medical Practitioner.
24. Registrar to keep Books and Registers of Vaccination to be open to Searches. Fees for Searches and Copies. Proviso.
25. Registrar to be paid Fees by the Boards of Guardians.
26. Vaccination declared to be not Parochial Relief so as to disqualify.
27. Guardians may pay certain Expenses out of their Funds.
28. Parent neglecting to procure Vaccination of the Child liable to Penalty.
29. Vaccinator and Parent neglecting to transmit Certificate, and Persons sending false Certificates, liable to Penalty.
30. Justices may make an Order for the Vaccination of any Child under Thirteen Years. Penalty for Disobedience. Proviso for Costs to Person improperly summoned.
31. Penalty upon Persons inoculating with Smallpox.
32. Penalty for wilfully exposing Smallpox Patients, or carelessly conveying them in public Conveyances.
33. The Statutes 12 & 13 Vict. c. 43. and 7 & 8 Vict. c. 101. s. 59. to apply to these Proceedings.
34. Notice not to be proved by Prosecutors. Certificates to be a Defence.
35. Interpretation Clause.
36. Title of the Act.

SCHEDULES.

To be substituted for the Bill already delivered.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Consolidate and amend the Statutes relating to Vaccination in England.

Preamble.

WHEREAS it is expedient to consolidate and amend the Statutes relating to Vaccination in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of former Acts.

1. From and after the Day when this Act shall come into operation as herein-after provided, the Statute of the Third and Fourth Years of the Reign of Her Majesty, Chapter Twenty-nine, that of the Fourth and Fifth Years of the same Reign, Chapter Thirty-two, that of the Sixteenth and Seventeenth Years of the same Reign, Chapter One hundred, the Seventh Section of the Statute of the Twenty-first and Twenty-second Years of the same Reign, Chapter Twenty-five, the Second Section of the Statute of the Twenty-first and Twenty-second Years of the same Reign, Chapter Ninety-seven, and the Statute of the Twenty-fourth and Twenty-fifth Years of the same Reign, Chapter Fifty-nine, shall be repealed,—

Exception and Saving.

Except in regard to the Divisions and Districts of Unions and Parishes previously made, all Contracts under the said Statutes then in force, and all Acts and Proceedings duly commenced under the same,

same, and not then completed, and all Liabilities and Responsibilities incurred under the same, all which shall remain in as full Force as if the same Statutes had not been repealed, unless they be in any respect inconsistent with the Provisions herein contained.

Guardians to divide Unions and Parishes into Vaccination Districts, or to consolidate or alter them, subject to Approval of the Poor Law Board.

2. The Guardians of every Union or Parish where the same shall not have been divided into Districts for the Purpose of Vaccination shall, unless such Union or Parish respectively shall be of so limited an Area as not to require Subdivision, in which Case the same shall be treated as a Vaccination District within the Meaning hereof, forthwith divide the Union or Parish for which they act into Districts for the Performance of Vaccination, and when the Poor Law Board shall by their Order require any Districts for the Time being to be consolidated or otherwise altered, the Guardians shall proceed to consolidate or alter the same, and they shall in every such Case of Division, Consolidation, or Alteration report their Proposal to the Poor Law Board for their Approval, which Board shall approve or disapprove of the same as they see fit; and the Guardians of every Union or Parish may with like Approval from Time to Time, as they shall find it requisite, alter the Districts heretofore formed or hereafter to be formed for the Purpose of Vaccination.

If the Board do not approve, another Scheme to be prepared; when approved Guardians to contract for Performance of Vaccination.

3. If the said Board disapprove of the Proposal the Guardians shall forthwith proceed to prepare another, and submit the same to the said Board for Approval, and so on from Time to Time as shall be requisite until their Proposal shall be approved, and when the said Board shall have approved of the same the Guardians shall enter into a Contract with some duly registered Medical Practitioner for the Performance of Vaccination of all Persons resident within each District; and every such Medical Practitioner shall be termed the Public Vaccinator of the District; and as and when the Contracts now existing shall determine the Guardians shall enter into others, with such Modifications as the Circumstances shall render necessary, subject to the like Approval of the Poor Law Board as aforesaid.

Qualification of Vaccinator to be prescribed by the Privy Council, and other Regulations to be prescribed by the Lords.

4. No Person shall be appointed a Public Vaccinator, or act as Deputy for a Public Vaccinator, who shall not possess the Qualification heretofore prescribed by the Lords of Her Majesty's Council, or such as shall be from Time to Time hereafter prescribed by them, except when such Lords shall upon sufficient Cause sanction any Departure from their Directions; and all such Regulations as the said Lords have heretofore made or shall hereafter make to secure the efficient Performance of Vaccination or the Provision and Supply of Vaccine Lymph by the Public Vaccinator, and all such Directions or Regulations as the said Lords acting under any Act for

for the Prevention of Diseases may issue in relation to Smallpox, shall be duly observed by the several Persons to whom they apply; and the said Lords may from Time to Time cause such Inquiries to be made relating to the Observance of such Regulations and to the Execution of this Act as to them shall seem fit; and shall direct how any Money hereafter to be provided by Parliament for or towards defraying the Expenses of the National Vaccine Establishment, or otherwise providing for the Supply of Vaccine Lymph, shall be applied.

Gratuities to Public Vaccinators.

5. *On Reports made to the Lords of Her Majesty's Council with regard to the Number and Quality of the Vaccinations performed in the several Vaccination Districts of England, or any of them, the said Lords may from Time to Time, out of Monies provided by Parliament, and under Regulations to be approved by the Lords Commissioners of Her Majesty's Treasury, authorize to be paid to any Public Vaccinators, in addition to the Payments received by them from Guardians or Overseers, Gratuities not exceeding in any Case the Rate of One Shilling for each Child whom the Vaccinator has successfully vaccinated during the Time to which the Award of the said Lords of the Council relates.*

Fees for Vaccination.

6. Every such Contract for Vaccination shall provide for Payment in respect only of the successful Vaccination of Persons, and so that the Rate of Payment for primary Vaccinations shall be not less than the following; that is to say, for every such Vaccination done at an appointed Station situated at or within One Mile from the Residence of the Vaccinator, or in the Workhouse of the Union or Parish, not less than One Shilling and Sixpence; and for every such Vaccination done at any Station over One Mile and under Two Miles distant from his Residence, not less than Two Shillings; and for every such Vaccination done at any Station over Two Miles distant from his Residence, not less than Three Shillings; such Distance being measured according to the nearest public Carriage Road.

Conditions may be imposed in the Contracts.

7. The Guardians may, with the Consent of the Poor Law Board, make Stipulations and Conditions in their Contracts to secure the Fulfilment of the Provisions of this Act on the Part of the Vaccinator, and shall provide all Stations at which the Vaccination shall be appointed to be performed other than the Surgery or Residence of the Public Vaccinator.

Provision for Re-vaccination.

8. The Provisions of the Contracts entered into before the Date hereof shall not after the Thirty-first Day of December next apply to the Cases of Persons who having been previously successfully

vaccinated shall be re-vaccinated, but if the Lords of Her Majesty's Council shall have issued or shall hereafter issue Regulations in respect of the Re-vaccination of Persons who may apply to be re-vaccinated, which such Lords are hereby authorized to do, the Guardians shall pay in respect of every Case of successful Re-vaccination performed in conformity with such Regulations under such Contracts or under new Contracts entered into after the Date hereof a Sum amounting to Two Thirds of the Fee payable upon each Case of successful primary Vaccination.

Contract not valid unless approved of by the Poor Law Board who may determine the same at any Time.

9. No Contract for Vaccination entered into under the Provisions of this Act shall be valid until the same shall have been approved of by the Poor Law Board, and such Board may at their Discretion, upon the Application of the Lords of Her Majesty's Council or otherwise, at any Time after the same shall have been approved of by them determine it either forthwith or at a future Day.

No Payment to be made out of the Poor Rate or any other public Fund unless the Poor Law Board have approved of the Contract.

10. No Payment in respect of Vaccination shall be made out of the Common Fund of any Union, or out of the Poor Rate of any Parish, or out of any other public or parochial Fund, where the Poor Law Board shall not have approved of a Contract for the Performance thereof, or after they shall have determined any such Contract; and every Payment made contrary hereto shall be disallowed by the Auditor in the Accounts of every Board of Guardians, or of the Overseers, or of any Officer who shall have made the same.

No Public Vaccinator to be paid for Vaccination out of his District.

11. Where a District shall have been or shall be assigned to a Vaccinator, he shall not be entitled to be paid a Fee in respect of the Vaccination or Re-vaccination of any Child or other Person resident out of his District, except in case of a Vacancy in the Office of Vaccinator in any adjoining District, or of the Default of the Vaccinator therein, of which Default Notice shall have been given to him in Writing by the Guardians, or when a Relieving Officer of his Union or Parish shall in Writing refer any Child to him for Vaccination.

Provision for Districts in particular Places of scanty Population.

12. The Guardians may with the Consent of the Poor Law Board provide in Districts where the Population is scanty or much scattered, or where some peculiar Circumstances may render it expedient for them to do so, for the Attendance of the Public Vaccinator at the appointed Places after Intervals exceeding Three Months; and if by reason of such Intervals the Vaccination of any Child cannot be performed within the respective Periods herein prescribed, no Parent or other Person who would otherwise be liable shall be liable to any Penalty in respect of a Neglect to procure the Vaccination during any such Period; but every such Parent or other Person

Person shall be bound to procure such Vaccination to be performed at the Time and Place so appointed, before the Commencement of the next Interval, unless it be otherwise performed by a Medical Practitioner as herein provided, or unless the Child shall be certified to be then in an unfit State for or insusceptible of Vaccination.

Guardians to give Notice of Alteration in Districts.

13. When the Guardians make any Alteration in a Vaccination District, or otherwise in the local Arrangements for Vaccination, they shall give public Notice of such Alteration by printed Papers to be affixed in the Districts affected by such Alteration for One Month prior to the Alteration taking effect.

The Registrar General to provide Forms.

14. The Registrar General for England and Wales shall, when he shall deem it necessary, from Time to Time, as Occasion shall require, after the passing of this Act, frame and provide appropriate Books, Forms, and Regulations for the Use and Guidance of the Registrars in the Exercise of their Duties therein prescribed, and also such Forms as shall be required for the Use of the Public Vaccinators and the Signature of the Medical Practitioners under he Provisions of this Act, and shall transmit the same to all Registrars, who shall retain such as relate to themselves, and distribute among the Vaccinators within their respective Districts such as relate to them without any Fee or Reward; *and the Expenses thereby incurred by the Registrar General and Registrars respectively shall be defrayed as Expenses incurred by such Registrar General under the Act of the Sixth and Seventh Years of King William the Fourth, Chapter Eighty-five.*

His Expenses.

Registrar of Births to deliver Notice of Vaccination to Parent or other Person registering Birth.

15. The Registrar of Births shall, on or within Seven Days after the Registration with him of the Birth of any Child not already vaccinated, give a Notice, according to the Form in the Schedule hereto annexed marked A., or to the like Effect, to the Parent, or in the event of the Death, Illness, Absence, or Inability of the Parent to the Person having the Custody of such Child, if known to him, requiring such Child to be duly vaccinated according to the Provisions of this Act, and specifying the Days, Hours, and Places where the Public Vaccinator of the Vaccination District wherein such Child resides, or the Vaccinator of any Station duly authorized by the Lords of Her Majesty's Council, will attend for the Purpose of performing the Operation, to which Notice Forms according to those in the said Schedule marked B., C., and D. shall be attached.

Parent or other Person to procure the Vacci-

16. The Parent of every Child born in England shall within Three Months after the Birth of such Child, or where by reason of

nation of Child within certain Periods.

the Death, Illness, Absence, or Inability of the Parent, or other Cause, any Person shall have the Custody of such Child, such Person shall, within Three Months after receiving such Child, take it or cause it to be taken to the Public Vaccinator of the Vaccination District in which it shall be then resident, according to the Provisions of this or some preceding Act, or to some Medical Practitioner, to be vaccinated; and the Public Vaccinator to whom such Child shall be so brought is hereby required forthwith, subject to the Conditions herein-after mentioned, to vaccinate such Child.

Provision for Inspection of Vaccination.

17. Upon the same Day in the following Week when the Operation shall have been performed by the Public Vaccinator such Parent or other Person, as the Case may be, shall again take the Child or cause it to be taken to him, that he may inspect it, and ascertain the Result of the Operation, and, if he see fit, take from such Child Lymph for the Performance of other Vaccinations; and in the event of the Vaccination being unsuccessful such Parent or other Person shall, if the Vaccinator so direct, cause the Child to be forthwith re-vaccinated and inspected as on the previous Occasion.

Provision for the Unfitness of the Child for Vaccination.

18. If any Public Vaccinator or Medical Practitioner shall be of opinion that the Child is not in a fit and proper State to be successfully vaccinated he shall forthwith deliver to the Parent or other Person having the Custody of such Child a Certificate under his Hand according to the Form in the Schedule hereto annexed marked B., or to the like Effect, that the Child is then in a State unfit for successful Vaccination, which Certificate shall remain in force for Two Months, and shall be renewable for successive Periods of Two Months, until such Public Vaccinator or Medical Practitioner shall deem the Child to be in a fit State for successful Vaccination, when the Child shall be forthwith vaccinated, and the Certificate of successful Vaccination duly given.

Provision for successive Certificates.

19. At or before the End of each successive Period the Parent or such Person as aforesaid shall take or cause the Child to be taken to some Public Vaccinator or Medical Practioner, who shall then examine the Child, and give the Certificate according to the said Form B., so long as he deems requisite, under the Circumstances of the Case.

Provision for Insusceptibility of successful Vaccination.

20. If any such Public Vaccinator or Medical Practitioner shall find that a Child whom he has Three Times unsuccessfully vaccinated is insusceptible of successful Vaccination, or that a Child brought to him for Vaccination has already had the Small Pox, he shall deliver to the Parent or other Person as aforesaid a Certificate under his Hand, according to the Form in the Schedule hereunto annexed

annexed marked C., or to the like Effect; and the Parent or such Person as aforesaid shall thenceforth not be required to cause the Child to be vaccinated.

Certificate of successful Vaccination to be transmitted to the Registrar, and a Duplicate given to the Parent.

21. Every Public Vaccinator who shall have performed the Operation of Vaccination upon any Child, and have ascertained that the same has been successful, shall, within Twenty-one Days after the Performance of the Operation, transmit by Post or otherwise a Certificate according to Form (D.) in the said Schedule, or to the like Effect, certifying that the said Child has been successfully vaccinated, to the Registrar of Births and Deaths in the District within which the Birth was registered, but if such District be not known to him, or if the Birth of the Child shall not have been registered, to the Registrar within whose District the Operation shall have been performed, and upon Request shall deliver a Duplicate thereof to the Parent or other Person as aforesaid.

No Fee to be charged for Certificate.

22. No Fee or Remuneration shall be charged by the Public Vaccinator to the Parent or other Person for any such Certificate or Duplicate Certificate as aforesaid, nor for any Vaccination done under his Contract, nor shall be entitled to Payment under his Contract for any Vaccination in respect of which he shall have been paid by the Parent or other Person for whom or on whom it is performed; and if he should have received Payment under his Contract, he shall not be entitled to recover Payment for the Vaccination from any other Person.

Parent to transmit Certificate of Vaccination by Medical Practitioner.

23. Where the Vaccination shall be performed by a Medical Practitioner not being a Public Vaccinator, the Parent or other Person as aforesaid causing the Child to be vaccinated shall submit a Certificate according to the said Form marked (D.) to such Medical Practitioner, to be filled up and signed by him, and shall within Twenty-one Days after the Performance of the Operation transmit the same so signed, by Post or otherwise, to the Registrar of the District where the Birth of such Child was registered, or if such Child shall not have been registered, or the District of the Registration shall not be known to such Parent or other Person, to the Registrar of the District in which the Operation shall have been performed.

Registrar to keep Books and Registers of Vaccination to be open to Searches.

24. Every Registrar shall keep a Book in which he shall enter Minutes of the Notices of Vaccination given by him as herein required, and also register the Certificates transmitted to him as herein provided, and shall at all reasonable Times allow Searches to be made therein, and upon Demand give a Copy under his Hand or under that of his Deputy of any Entry in the same, on Payment of

Fees for Searches and Copies.

a Fee of Sixpence for each Search and Threepence for each Copy; and every Registrar shall receive a Fee of One Penny in respect of every Child whose Birth he shall have registered and in respect of whom he shall give the Notice as aforesaid, and another Fee of Threepence in respect of every such Child whose Certificate he shall have registered as herein provided, and he shall receive a Fee of One Penny in respect of each Child whose Certificate he shall have registered without having registered the Birth: Provided that no Fee shall be charged for any Search made by a Public Vaccinator, or any Officer of the Guardians, authorized by them to make such Search, or any Inspector appointed by the Poor Law Board or the Lords of Her Majesty's Council.

Proviso.

Registrar to be paid Fees by the Boards of Guardians.

25. The Registrar shall make out in Duplicate an Account of the Fees to which he shall be entitled under this Act at the usual Quarter Days of the Year, and submit the same to the Guardians of the Union or Parish for which he acts, and they shall, after examining the same and finding it to be correct, forthwith pay the Amount of the same out of the Funds in their Possession, and transmit One of the said Accounts to the Poor Law Board.

Vaccination declared to be not Parochial Relief so as to disqualify.

26. It is hereby declared, That the Vaccination, or the Surgical or Medical Assistance incident to the Vaccination, of any Person in a Union or Parish, heretofore or hereafter performed or rendered by a Public Vaccinator, shall not be considered to be Parochial Relief, Alms, or charitable Allowance to such Person or his Parent, and no such Person or his Parent shall by reason thereof be deprived of any Right or Privilege or be subject to any Disability or Disqualification.

Guardians may pay certain Expenses out of their Funds.

27. The Guardians of any Union or Parish may pay out of their Funds all reasonable Expenses incurred by them in causing Notices to be printed and circulated as to the Provisions of this Act, and in and about Inquiries and Reports as to the State of Smallpox or Vaccination in their Union or Parish, and in taking Measures to prevent the Spread of Smallpox and to promote Vaccination upon any actual or expected Outbreak of that Disease therein, and may pay any Officer appointed by them to prosecute Persons charged with Offences against this Act, or otherwise to enforce its Provisions.

Parent neglecting to procure Vaccination of the Child liable to Penalty.

28. Every Parent or Person having the Custody of a Child who shall neglect to take such Child or to cause it to be taken to be vaccinated, or after Vaccination to be inspected or re-vaccinated and re-inspected, according to the Provisions of this Act, and shall not render a reasonable Excuse for his Neglect, shall be guilty of an

an Offence, and be liable to be proceeded against summarily, and upon Conviction to pay a Penalty not exceeding Twenty Shillings.

Vaccinator and Parent neglecting to transmit Certificate, and Persons sending false Certificates, liable to Penalty.

29. Every Public Vaccinator, Parent or Person, as the Case shall require, who shall neglect to transmit any Certificate required of him by the Provisions of this Act completely filled up and legibly written to the Registrar within the Time herein specified, and every Public Vaccinator who shall refuse to deliver the Duplicate to the Parent or other Person, on Request, and every Medical Practitioner who shall refuse to fill up and sign the Certificate of successful Vaccination when submitted to him as aforesaid, shall be liable to pay upon a summary Conviction a Penalty not exceeding Twenty Shillings; and every Person who shall wilfully sign a false Certificate or Duplicate under this Act shall be guilty of a Misdemeanor, and punishable accordingly.

Justices may make an Order for the Vaccination of any Child under 13 Years.

30. If any Registrar, or any Officer appointed by the Guardians to enforce the Provisions of this Act, shall give Information in Writing to a Justice of the Peace that he has Reason to believe that any Child under the Age of Thirteen Years, being within the Union or Parish for which the Informant acts, has not been vaccinated, and that he has given Notice to the Parent or Person having the Custody of such Child to procure its being vaccinated, and that this Notice has been disregarded, the Justice may summon such Parent or Person to appear with the Child before him at a certain Time and Place, and upon the Appearance, if the Justice shall find, after such Examination as he shall deem necessary, that the Child has not been vaccinated, or has already had the Smallpox, he may, if he see fit, make an Order under his Hand and Seal, directing such Child to be vaccinated within a certain Time; and if at the Expiration of such Time the Child shall not have been so vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of Vaccination, the Person upon whom such Order shall have been made shall be proceeded against summarily, and unless he can show some reasonable Ground for his Omission to carry the Order into effect, shall be liable to a Penalty not exceeding Twenty Shillings:

Penalty for Disobedience.

Proviso for Costs to Person improperly Summoned.

Provided that, if the Justice shall be of opinion that the Person is improperly brought before him, and shall refuse to make any Order for the Vaccination of the Child, he may order the Informant to pay to such Person such Sum of Money as he shall consider to be a fair Compensation for his Expenses and Loss of Time in attending before the Justice.

Penalty upon Persons inoculating with Smallpox.

31. Any Person who shall after the passing of this Act produce or attempt to produce in any Person by Inoculation with Variolous Matter

Matter, or by wilful Exposure to Variolous Matter, or to any Matter, Article, or Thing impregnated with Variolous Matter, or wilfully by any other Means whatsoever, produce the Disease of Smallpox in any Person, shall be guilty of an Offence, and shall be liable to be proceeded against summarily, and upon Conviction to be imprisoned for any Term not exceeding One Month.

Penalty for wilfully exposing Smallpox Patients, or carelessly conveying them in public Conveyances.

32. Every Person who shall wilfully and without due Caution expose himself, or any Child or other Person being then infected with the Smallpox, in any public Place, to the Danger of the Queen's Subjects there being or passing by, shall be guilty of an Offence, and be liable to be proceeded against summarily, and upon Conviction to pay a Penalty not exceeding Five Pounds; and every Person who shall wilfully and without reasonable Precaution convey any Person infected with such Disease, or cause him to be conveyed in a public Carriage or Vessel containing Passengers, other than his Nurse, Attendant, or Relation, shall be deemed guilty of a like Offence, and shall be liable to be proceeded against summarily, and punished in the same Manner.

The Statutes 12 & 13 Vict. c. 43. and 7 & 8 Vict. c. 101. s. 59. to apply to these Proceedings.

33. The Statute of the Eleventh and Twelfth Victoria, Chapter Forty-three, shall apply to all Proceedings to be taken under this Act; and the Justices for the County, City, Borough, or other Place where the Offence shall have been committed shall have Jurisdiction to hear and determine the Complaint, and where a Union or Parish shall be comprised in several Jurisdictions the Complaint as to any Matter arising in such Union or Parish may be heard and determined in any One of such Jurisdictions; and all Prosecutions undertaken by the Guardians or their Officers or any Registrar under this Act shall be deemed to be within the Operation of the Seventh and Eighth Victoria, Chapter One hundred and one, Section Fifty-nine, and the Union Chargeability Act of 1865, Section Nine.

Notice not to be proved by Prosecutors. Certificates to be Defence.

34. In any Prosecution for Neglect to procure the Vaccination of a Child, it shall not be necessary in support thereof to prove that the Defendant had received Notice from the Registrar or any other Officer of the Requirements of the Law in this respect, but if the Defendant produce any such Certificate as herein-before described, the same shall be a sufficient Defence for him, except in regard to the Certificate marked (B.), when the Time specified therein for the Postponement of the Vaccination shall have expired before the Time when the Information shall have been laid.

Interpretation Clause.

35. The Word "Parent" shall mean and include the Father and Mother of a legitimate Child and the Mother of an illegitimate Child;

Child; "Medical Practitioner" shall mean a registered Medical Practitioner; and the several Words herein contained shall be construed, except where any Inconsistency would ensue from such Construction, in the same Manner as in the several Acts for the Amendment of the Law for the Relief of the Poor.

36. This Act shall come into operation on the First Day of January next, and may be cited as "The Vaccination Act of 1866." Title of the Act.

SCHEDULE OF FORMS.

A.

I, the undersigned, hereby give you Notice to have the Child (*insert Name*), whose Birth is now registered, vaccinated within Three Months from the Date of its Birth, pursuant to the Provisions and Directions of the Vaccination Act; and that in default of your doing so you will be liable to the Penalties thereby imposed for Neglect of those Provisions.

If you intend to apply to the Public Vaccinator of your District I have to inform you that he will attend at on at the Hour of .

You are required to produce to the Public Vaccinator or Medical Practitioner who may be applied to the Forms herewith supplied for him to fill up and sign; and if the Operation be performed by a Medical Practitioner who is not the Public Vaccinator, you must transmit to me by Post or otherwise the Certificate signed by him within Twenty-one Days after the Performance of the Operation, or you will be liable to a Penalty of Twenty Shillings, to be recovered on a summary Conviction.

Dated this Day of 18 .

(Signed) *C.D.*,
Registrar of Births and Deaths for the Sub-District of in the Union *or* Parish.

B.

I, the undersigned, hereby certify, That I am of opinion that the Child of of in the Parish *or* Township of in the County *or* Borough of aged is not now in a fit and proper State to be successfully vaccinated. I do hereby postpone the Vaccination until the Day of .(*a*)

Dated this Day of 18 .

(Signed) *A.B.*,
Public Vaccinator of the Union *or* Parish.
or A.B., of
Medical Practitioner (*i.e.* M.D., L.A.C., *or* F.R.C.S., *or otherwise, as the Case may be*).

Mem.—This is to be kept by the Parent or other Person to whom it is given.

(*a*) *This must not exceed Two Calendar Months from the Date of the Certificate.*

C.

I, the undersigned, hereby certify, That I have Times unsuccessfully vaccinated the Child of of in the Parish *or* Township of in the County *or* Borough of aged , [*or* that the Child has already had Smallpox, *as the Case may be*,] and I am of opinion that such Child is insusceptible of successful Vaccination.

Dated this Day of 18 .

(Signed) *A.B.*,
Public Vaccinator of the Union *or* Parish.
or A.B., of
Medical Practitioner (*i.e.* M.D., L.A.C., *or* F.R.C.S., *or otherwise, as the Case may be*).

Mem.—This is to be kept by the Parent or other Person to whom it is given.

D.

I, the undersigned, hereby certify, That the Child of aged of in the Parish *or* Township of in the County *or* Borough of has been successfully vaccinated by me.

Dated this Day of 18 .

(Signed) *A.B.*,
Public Vaccinator of the Union *or* Parish.
or A.B., of
Medical Practitioner (*i.e.* M.D., L.A.C., *or* F.R.C.S., *or otherwise, as the Case may be*).

NOTICE.—*This Certificate is to be transmitted within Twenty-one Days from the Performance of the Operation by the Public Vaccinator to the Registrar of the District in which the Birth was registered, or, if that be not known to him, to the Registrar of the District in which the Operation was performed. A Duplicate is to be given to the Parent, or other Person procuring the Vaccination, if requested.*

When the Vaccination is performed by a Medical Practitioner, not the Public Vaccinator of the District, he is to fill up and sign this Certificate, and the Parent or such other Person is within the same Time to transmit it to the Registrar with whom the Birth was registered, or, if his District be not known to such Parent or other Person, to the Registrar of the District in which the Operation was performed.

The Transmission may be by Post or otherwise.

In each Case the Vaccination Act of 1866 *imposes a Penalty of Twenty Shillings for Default.*

Vaccination.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To consolidate and amend the Statutes relating to Vaccination in England.

(*Prepared and brought in by Mr. Bruce and Mr. Baring.*)

Ordered, by The House of Commons, ~~to be~~ *Printed*, 1 *June* 1866.

[Bill 173.] +

Under 2 oz.

A

B I L L

TO

Improve the present System of the Valuation of Lands and Heritages in Scotland.

WHEREAS an Act was passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Ninety-one, for establishing One uniform Valuation of Lands and Heritages in Scotland, according to which all Assessments leviable on the Real Rent of such Lands and Heritages should be levied and collected, by which said Act Provisions were enacted for making such uniform Valuation to be the Basis of all such Assessments, but no Provision was made for ascertaining the Amount falling by Law to be deducted from such Valuation, before imposing certain of such Assessments: Preamble. 17 & 18 Vict. c. 91.

And whereas by a prior Act, passed in the Eighth and Ninth Years of Her Majesty's Reign, Chapter Eighty-three, intituled "An Act "for the Amendment and better Administration of the Laws "relating to the Relief of the Poor in Scotland," it was enacted, that in estimating the annual Value of Lands and Heritages for the Purposes of that Act, in the imposing and levying of Poor's Rates, "the same shall be taken to be the Rent at which One Year with "another such Lands and Heritages might in their actual State 8 & 9 Vict. c. 83.

" be reasonably expected to let from Year to Year, under Deduction " of the probable annual average Cost of the Repairs, Insurance, " and other Expenses, if any, necessary to maintain such Lands and " Heritages in their actual State, and all Rates, Taxes, and Public " Charges payable in respect of the same : "

And whereas no Provision exists for any uniform Mode of ascertaining or estimating such Cost of Repairs and Maintenance, but the several Parochial Boards in every Parish estimate the same at their own Discretion, according to many various and diverse Rules :

And whereas in the Year One thousand eight hundred and sixty five a Select Committee was appointed by the House of Commons " to inquire into the present System of Valuation of Lands and " Heritages in Scotland for the Imposition of local Rates, and to " report their Opinion whether any and, if any, what Alterations " may with Advantage be made therein ; and, in particular, " whether it would be advisable, on the one hand, to provide that " Poor's Rates, now leviable on a net Valuation, should hence- " forth be leviable on the gross Rental, or, on the other hand, " whether all local Rates should, like the Poor's Rates, be leviable " on the net Rental, and One uniform System of ascertaining the " same, established :"

And whereas the said Committee reported their Opinion " that " the Poor's Rates, on the one hand, and the other local Rates, on " the other, ought not to be assessed on Two different Valuations " of Rental, the one the gross and the other the net, but that they " should alike be assessed on One and the same Valuation," and " that the just Principle for estimating the Rent or yearly Value " of Lands and Heritages, for the Purpose of local Taxation, is that " provided in Scotland, (in accordance with the Principle adopted " for such rating in England and Ireland), for the Poor's Rate, by " the Act of Eighth and Ninth Victoria " above recited ; and the said Committee further recommended certain Alterations in the before-recited Valuation Act, in order to ascertain in a uniform Manner the Amount of Deductions authorized by the said Act of the Eighth and Ninth of Her Majesty, and also suggested certain other Amendments which it would be, in their Opinion, advisable to make in the said Valuation Act :

And whereas it is expedient that the Alterations and Amendments so recommended and suggested should be carried into effect :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1 Every

Assessors to ascertain Rates, Taxes, and Public Charges on Lands and Heritages;

1. Every Assessor acting under the Act first above recited shall, besides ascertaining the annual yearly Value of Lands and Heritages as provided in that Act, at the same Time ascertain the Amount of all Rates, Taxes, and Public Charges payable in respect of such Lands and Heritages, and shall insert such Amount in a separate Column in the Valuation Roll to be made up by him in Terms of the said Act, and for the Ascertainment of such Amount, he shall be entitled to exercise all the Powers conferred on him by such Act for the Ascertainment of the annual Value of such Lands and Heritages.

also Amount of Assessment for building, &c. Parish Churches and Manses, 25 & 26 Vict. c. 58;

2. Among the Public Charges so to be ascertained and inserted as aforesaid, the Assessor shall ascertain and insert the Amount of any Assessment for the building, adding to, rebuilding, or repairing Parish Churches and Manses, but spreading the total Amount in the Case of building, rebuilding, or adding, over the whole Period of Years over which the Burden may be extended by the Act of the Twenty-fifth and Twenty-sixth of Her Majesty, Chapter Fifty-eight.

also Amount of average annual Cost of Repairs, &c.

3. Every such Assessor shall in like Manner insert in another separate Column in the Valuation Roll the Amount of the average annual Cost of the Repairs, Insurance, and other Expenses, if any, necessary to maintain the respective Lands and Heritages in their actual State, as the same shall have been ascertained and fixed in manner herein-after provided; and every Assessor shall thereupon deduct from the gross Rental, as ascertained by him in Terms of the said first-recited Act, the Amount of such Rates, Taxes, and Public Charges, together with such average Cost of Repairs, Insurance, and Maintenance, and shall insert, in another additional and separate Column in the Valuation Roll, the Sum remaining after such Deduction, as the net Rental of such Lands and Heritages; and thenceforth all Poor's Rates and also all other local Rates which have been, heretofore and since the passing of the said first-recited Act, leviable according to the Valuation in the Valuation Rolls made up under the Authority of the said Act, shall be imposed and levied upon and according to such "net Rental" so ascertained and inserted as aforesaid, and Parochial Boards shall not themselves make such Deductions under the said second above-recited Act, but shall take the said net Rental ascertained as aforesaid as being the Amount on which Poor's Rates shall be by them assessed and levied.

Assessor to be charged with Valua-

4. In addition to the Works with the Valuation of which the Assessor of Railways and Canals, appointed under Authority of the said

tion of Waterworks, &c.

said first-recited Act, is by that Act exclusively charged, such Assessor of Railways and Canals shall be further exclusively charged with the Valuation of all Waterworks, Gasworks, and Navigations, whether belonging to Companies or to Corporate Bodies, including the whole Lands and Heritages forming Parts of the Undertaking; and also all Manufactories or Works which include fixed Machinery, falling to be valued as Part of the Lands and Heritages to which they are attached.

Mode of ascertaining Cost of Repairs, &c.

5. In order to value the Cost of Repairs, Insurance, and Maintenance herein-before mentioned, the Assessor of Railways and Canals shall inquire into and ascertain the Amount actually expended for these Purposes, for such Period of past Years as he shall deem necessary, on such Railways and Canals and on all Works and Manufactories falling under his exclusive Charge, and he shall estimate the average annual Cost of such Repairs, Insurance, and Maintenance as aforesaid, and shall insert the Amount of such average annual Cost in the separate Column in the Valuation Roll herein-before provided for that Purpose; and for the Ascertainment of such annual Cost it shall be lawful for such Assessor to exercise all the Powers conferred upon him by the said first-recited Act, for the Ascertainment of the annual Value of the Lands and Heritages with the Valuation of which he is thereby charged.

Commissioners of Supply in Counties and Magistrates and Town Councils in Boroughs to classify Lands and Heritages.

6. In regard to all Lands and Heritages other than those with the Valuation of which the Assessor of Railways and Canals is exclusively charged, the Commissioners of Supply in Counties, and the Magistrates and Town Councils in Boroughs, shall classify the several Lands and Heritages within their Counties and Boroughs respectively, into such Classes as they may determine, and shall fix such Per-centage on the gross yearly Value thereof, as they may think right, subject always to the Limitation and Restriction herein-after provided, as the Amount which shall be deemed and taken by the Assessor to be the yearly average Cost of Repairs, Insurance, and Maintenance as aforesaid: Provided always, that such Amount shall not exceed Eight per Cent. on the gross Rental in the Case of any Class of that Division of Land and Heritages which consists of Land without Houses, nor Ten per Cent. in the Case of any Class of that Division which consists of Mines and Quarries, nor Fifteen per Cent. in the Case of any Class of that Division which consists of Lands with Houses, nor Twenty per Cent. in the Case of any Class of that Division which consists of Houses and Buildings other than Works and Manufactories, nor Thirty per Cent. on any Class of that Division which consists of Mills, Works, and Manufactories not falling under the exclusive Charge for Valuation of the

Assessor

Assessor of Railways and Canals; and every Assessor shall thereupon determine in which of the Classes so settled by the Commissioners of Supply and Magistrates and Town Council respectively the several Lands and Heritages to be valued by him respectively fall to be ranked, and he shall insert in the Column of the Valuation Roll, provided as aforesaid for the average Cost of Repairs, Insurance, and Maintenance, the Amount of the same, estimated according to the Per-centage fixed as aforesaid, for the Class of Lands and Heritages in which he has ranked the several Lands and Heritages to be valued by him, and he shall further prefix to each Entry of Lands and Heritages in the Valuation Roll Numbers indicating the Division and Class in which the said Lands and Heritages have severally been ranked.

Where Tenant sublets at Rent in excess, he is to be entered on Valuation Roll as Owner to Extent of Excess.

7. Where the Tenant or Lessee of Lands and Heritages shall have sublet the whole or any Portion of the same for a Subrent in excess of the Rent stipulated to be paid by him to the Proprietor, or where he shall have erected Buildings thereon which increase the Value beyond such Rent so stipulated, such Tenant or Lessee shall be entered on the Valuation Roll as, for the Purposes of this Act, the Owner, to the Extent of such Excess, of such Lands and Heritages, and shall be rateable as such accordingly.

Provision where Teinds or Teind Duties payable to Titular of Teinds, other than Minister of Parish.

8. Where Teinds or Teind Duties are payable in respect of any Lands or the Teinds thereof to any Titular of Teinds, other than the Minister of the Parish, or to any Tacksman of such Titular, the Assessor shall insert the annual Amount in the Column of the Valuation allotted to the Entry of Feu Duties and Ground Annuals, and shall also insert, as in the Case of Feu Duties, the Name of the Party to whom the same is payable; and he shall deduct from the gross Rental, besides and in addition to the Amount of Rates, Taxes, and Public Charges, and of the Cost of Repairs, Insurance, and Maintenance, the Amount of such Teinds, Teind Duties, Feu Duties, and Ground Annuals, in order to ascertain the Sum to be entered, as aforesaid, as the net Rental of such Lands and Heritages.

Provision as to Assessments authorized to be levied subject to a maximum Amount on Rental.

9. Where in any Burgh or Parish or County, under any Act of Parliament, any Rate, Tax, or Assessment is authorized to be levied subject to a maximum Amount on every Pound of yearly Rent, but according to a Valuation different from that established by this Act, it shall be lawful for the Sheriff, on the Application of the Person or Persons authorized to assess or levy such Assessment, Rate, or Tax, or of any Ratepayer within such Burgh, Parish, or County, to fix and determine, after such Inquiry and Notice as he shall

shall think proper, what maximum Amount on every Pound of Rental according to the Valuation of this Act corresponds with and will yield, as nearly as may be, the Sum which the Amount per Pound specified in such Statute should yield according to the Valuation theretofore in use, and the Amount so fixed by the Sheriff shall thereafter, subject to all legal Rights, be held to be the Amount on each Pound of Rental which shall be taken to be the maximum Amount per Pound leviable under such Statute; and further, if Lands and Heritages shall in any such Statute be exempted from the Rate, Assessment, or Tax thereby imposed where the Rent shall not exceed or shall not extend to a certain specified Amount, the Exemption shall be regulated and decided as if this present Act had not been passed.

Where Portion of Railway or Canal extends partly into England, Assessors may demand Information as to English Portion.

10. The Assessor of Railways and Canals, for the better ascertaining the Value of the Portion in Scotland of a Railway or Canal which extends partly into England, shall be entitled to demand from the Railway Company or Canal Company whatever Information regarding the Portion in England and the Revenue thereof he might think necessary for enabling him to estimate the Value of the whole Line, and to assign the proper Proportion of such Value to the Line so far as in Scotland.

Separate Assignment of Value in "populous Places" under General Police Act.

11. The Assessor of Railways and Canals shall assign separately the Value of those Portions of Railways and Canals which are included within the Limits of those "populous Places," which have been brought under the Provisions of the General Police Act.

Separate Valuation of Receipts from Branch Lines in certain Cases.

12. Where the Receipts arising from the Traffic of any Branch Line of Railway do not go into the Funds of the general Company of whose Undertaking it forms Part, but are allocated to a special Body of the Shareholders, the Assessor shall value such Branch Line separately from the Main Line.

Commissioners of Supply may demand Particulars of Valuation.

13. The Assessor of Railways and Canals shall be bound, when required by the Commissioners of Supply of the County or the Magistrates of the Burgh, to give the Particulars of his Valuation and explain the Manner in which he has arrived at it.

Repeal of Provisions of first-recited Act as to fixing Valuation of Stations, &c. at 3 per Cent. on Cost.

14. The Provisions in the said first-recited Act by which the Valuation of the Stations, Wharves, Docks, Depôts, Counting-houses, and other Houses and Places of Business of and connected with the Undertaking of any Railway or Canal Company, is fixed at Three Pounds per Centum on the Cost thereof, are hereby repealed.

15. In

Houses let to others not to be deemed Portion of Undertrking for Valuation Purposes.

15. In making the Valuation of Railways and Canals, no Houses, Depôts, or Buildings which are let to others and are not occupied by the Servants and other Persons in the actual Employment of the Railway or Canal Company to which these may belong, or for the Purposes of the Company, shall, for the Purposes of this Act, be deemed, while so let, to be Part of their Undertaking.

Provision as to Right to require Case for Opinion of Lords Ordinary. 20 & 21 Vict. c. 58.

16. The Right of requiring a Case for the Opinion of the Lords Ordinary in the Court of Session conferred by the Provisions of the Twentieth and Twenty-first Act of Her present Majesty (Chapter Fifty-eight), intituled "An Act to amend the Seventeenth and "Eighteenth Victoria, Chapter Ninety-one, for the Valuation of "Lands and Heritages in Scotland," in those cases in which the Assessor shall be an Officer of Inland Revenue appointed under Authority of that Act, is hereby extended to all cases, whether the Assessor be an Officer of Inland Revenue or not, and all Parties in like Circumstances with those in which the said Right is by the said Act conferred shall have the like Remedy.

Proceedings of Lords Ordinary.

17. It shall be lawful for the Lords Ordinary, if they see Cause, to report the Case to the Court in either of its Divisions, who shall thereupon give their Opinion, according to which Opinion the Valuation or Assessment which shall have been the Cause of the Appeal shall be settled, and it shall be lawful for the Lords Ordinary, or the Court, if they see Cause, to order Counsel to be heard, and to express and to insert in their Sentence or Deliverance the Grounds of their Opinion.

Schedules hereto to be substituted for those to first-recited Act.

18. The Schedule to this Act annexed shall be substituted for and used instead of that annexed to the said first-recited Act.

This and first-recited Act to be read together.

19. This Act shall form Part of the said first-recited Act, and be read along with it.

Valuation of Lands and Heritages (Scotland).

A

BILL

To improve the present System of the Valuation of Lands and Heritages in Scotland.

(*Prepared and brought in by Mr. Dunlop, Colonel Pennant, Sir James Fergusson, and Mr. Baxter.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1866.

[Bill 73.]

Under 1 *oz.*

A

BILL

TO

Prevent any Person who has not obtained the Diploma of the Royal College of Veterinary Surgeons from assuming the Title of Veterinary Surgeon.

WHEREAS Her present Majesty, by Royal Charter bearing Date the Eighth Day of March, in the Seventh Year of Her Reign, did for Herself, Her Heirs and Successors, grant unto the Persons therein-named, together with such others as then held Certificates of Qualification to practise as Veterinary Surgeons granted by the Royal Veterinary College of London, or by the Veterinary College of Edinburgh respectively, and such other Persons as respectively then were and might thereafter become Students of the Royal Veterinary College of London, or of the Veterinary College of Edinburgh, or of such other Veterinary College, corporate or unincorporate, as then was or thereafter should be established for the Purposes of Education in Veterinary Surgery, whether in London or elsewhere in the United Kingdom, and which Her Majesty and Her Successors should under Her or their Sign Manual authorize in that Behalf, and should pass such Examination as might be required by the Orders, Rules, and Byelaws Preamble.

Byelaws which should be framed and confirmed pursuant to the said Charter, should by virtue thereof be Members of and form One Body Politic and Corporate by the Name of "The Royal College of Veterinary Surgeons," by which Name they should have perpetual Succession and a Common Seal, with Power to sue and be sued, and to hold Personal Estate; and Her Majesty did further declare and grant that the Veterinary Art, as practised by the Members of the said Body Politic and Corporate, should be thenceforth deemed and taken to be and recognized as a Profession, and that the Members of the said Body Politic and Corporate, solely and exclusively of all other Persons whomsoever, should be deemed and taken and recognized to be Members of the said Profession or Professors of the said Art, and should be individually known and distinguished by the Name or Title of Veterinary Surgeons; and in the said Charter were contained certain Regulations for the Conduct and Management of the Affairs of the said Corporation:

And whereas to encourage the Progress of the Veterinary Art it is expedient that such of Her Majesty's Subjects as may from Time to Time require veterinary medical Aid should be enabled to distinguish the Members of the Royal College of Veterinary Surgeons from others who have not passed the Examination requisite for entitling them to become Members of the said College, and who are not Members thereof:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may for all Purposes be cited as "The Veterinary Medical Act, 1866."

Commencement of Act.

2. This Act shall take effect from the *First Day of October One thousand eight hundred and sixty-six.*

Penalty for falsely using the Title of Veterinary Surgeon.

3. Any Person, not being a Member of the said Royal College of Veterinary Surgeons, who shall after the Time appointed for this Act coming into operation take or use the Name or Title of Veterinary Surgeon, or who shall falsely represent himself to be a Member of the said College, or who shall use any other Name or Title with intent to lead, or whereby the Public may be led to believe that he is a Member of the said Royal College of Veterinary Surgeons, shall, upon a summary Conviction for any and every such Offence, pay a Sum not exceeding *Five Pounds* nor less than Two Pounds.

4. Pro-

4. Provided nevertheless, That this Act shall not affect any Person who shall have assumed the Name or Title of Veterinary Surgeon prior to *Six Months* previous to the passing of this Act. Exemptions.

5. Penalties under this Act may be recovered before Two Justices in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facili- "tate the Performance of the Duties of Justices of the Peace out "of Sessions within England and Wales with respect to summary "Convictions and Orders," or any Act amending the same; and in Scotland by summary Complaint before the Sheriff, Sheriff Substitute, or Two Justices, or in Burghs before the Magistrates, in manner provided by "The Summary Procedure Act, 1864." Recovery of Penalties.

Veterinary Surgeons.

A

BILL

To prevent any Person who has not obtained the Diploma of the Royal College of Veterinary Surgeons from assuming the Title of Veterinary Surgeon.

(*Prepared and brought in by Mr. Holland and Mr. Newdegate.*)

Ordered, by The House of Commons, *to be Printed*, 25 *April* 1866.

[Bill 121.]

Under 1 *oz.*

Waterworks Bill.

ARRANGEMENT OF CLAUSES.

CLAUSES.

1. Short Title.
2. Interpretation.
3. To what Reservoirs Act applies.

Inspection of Reservoirs before filling.

4. Application of Provisions as to filling of Reservoirs.
5. Notice to Board of Trade before filling of Reservoirs.
6. Penalty for Want of Notice.
7. Inspection by Board of Trade.
8. Limitation of Time for Inspection after Notice.
9. If Danger not reported no Restriction on filling.
10. If Danger reported Reservoir not to be filled.
11. Penalty for filling in that Case.
12. Renewal of Application to Board of Trade.
13. Filling for Purposes of Inspection.
14. Owners to defray Expenses of Inspection.

Additional Lands.

15. Application to Board of Trade for Certificate.
16. Notice to Parties interested.
17. Opposition by Party interested.
18. Certificate of Board of Trade.
19. Owners may take Lands under the Certificate.
20. Costs of Opposition where successful.

Inspection of dangerous Reservoirs by Board of Trade.

21. On Complaint, Board of Trade to inspect.
22. Power for Board of Trade to inspect without Complaint.
23. If imminent Danger reported, Power for Board of Trade to direct Repairs, &c.
24. If Danger reported, but not imminent, Notice to Owners to repair, &c.
25. On Failure of Owners, Board of Trade to direct Repairs, &c.

26. If Complaint unfounded, Power to the Board of Trade to direct Complainant to pay Expenses, &c.
27. Recovery of Expenses from Complainant.
28. Recovery of Costs of Owners from Complainant.
29. Payment of Expenses and Costs by Owners.

Inspection of dangerous Reservoirs by Justices.

30. Power for Justices to inquire into Danger from Reservoirs.
31. Power for Justices to inquire without Complaint.
32. Order of Justices for immediate Repair.
33. Summons of Justices to Owners.
34. Order on Owners to repair.
35. Penalty and further Order on Failure of Owners to repair.
36. Payment of Costs and Expenses by Owners.
37. Payment of Costs by Complainant.
38. Appeal to Quarter Sessions.
39. Order of Quarter Sessions.
40. In Scotland Power for Sheriff to act, with Appeal.
41. Pending Appeal, Order to be observed.

Execution of Directions, &c.

42. Protection of Persons executing Directions of Board of Trade, &c.
43. Owners not responsible for Diminution of Supply, &c.
44. In case of Accident, Board of Trade may authorize temporary Occupation of adjoining Lands.
45. Power for Owners in case of Urgency to enter on adjoining Lands.

Liability of Owners.

46. Liability of Owners for Damages.

General Provisions.

47. Recovery of Penalties.
48. Power for Board of Trade to require Plans, &c.
49. Forms of Orders, &c.
50. Repeal of 26 & 27 Vict. c. 93. ss. 3–11.

SCHEDULE.

A

B I L L

TO

Make better Provision for the Security of Reservoirs, and otherwise to amend the Law relating to Waterworks.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Preliminary.

Short Title.

1. This Act may be cited as The Waterworks Act, 1866.

Interpretation.

2. In this Act—

The Term "Owners" means the Company, Corporation, Body, Persons or Person for the Time being in occupation of the Reservoir or other Waterwork referred to, or authorized to construct or engaged in the Construction of the same as Proprietors thereof :

The Term "the Lands Clauses Acts" means with respect to England The Lands Clauses Consolidation Act, 1845, and with respect to Scotland The Lands Clauses Consolidation (Scotland) Act, 1845, with, in each Case, The Lands Clauses Consolidation Acts Amendment Act, 1860, and with respect to Ireland, The Railways Act (Ireland), 1851, with Acts incorporated in or amending that Act :

The Term "Special Act" means an Act of Parliament authorizing the Construction of any Waterwork:

The Terms "County," "Justice," "Sheriff," and "Quarter Sessions" have the same Meaning as in The Waterworks Clauses Act, 1847.

To what Reservoirs Act applies.

3. The Provisions of this Act relative to Reservoirs apply only to Reservoirs of the Dimensions or Capacity following, namely,—

Where the Water Surface of the Reservoir measured at the Weir or overflow Level thereof exceeds or is intended to exceed Acres in Extent:

Where the Reservoir, if filled to the Weir or overflow Level thereof, impounds or is intended to impound Water to a Depth in any Part thereof of more than Feet:

Where the Reservoir when filled is capable or intended to be capable of containing more than Cubic Feet of Water.

Inspection of Reservoirs before filling.

Application of Provisions as to filling of Reservoirs.

4. The Provisions of this Act relative to the filling of Reservoirs shall be construed to apply to the filling or partial filling thereof with Water, and to the causing or allowing Water to collect therein to any Extent whatever.

Notice to Board of Trade before filling of Reservoirs.

5. Where the Owners of a Reservoir not completed and filled before the passing of this Act are desirous of filling it, they may give Notice in Writing to the Board of Trade that the Reservoir is ready for filling.

Penalty for Want of Notice.

6. If the Owners of any such Reservoir fill it without giving such Notice, or (save as in this Act expressly authorized) within *One Month* after giving such Notice, they shall be liable to a Penalty not exceeding *One hundred Pounds*, and to a further Penalty not exceeding *Fifty Pounds* for every Day during which they keep the Reservoir filled after the Day on which the First Penalty is incurred.

Inspection by Board of Trade.

7. As soon as conveniently may be after the Receipt of any such Notice, the Board of Trade shall cause the Reservoir to which it relates to be inspected, and a Report in Writing stating the Results of the Inspection and the Inspector's Opinion and the Grounds thereof, shall be made to the Board of Trade, and a Copy thereof shall be sent by the Board of Trade to the Owners of the Reservoir.

Limitation of Time for Inspection after Notice.

8. If in any Case the Inspection is not commenced within *One Month*, or some Report of the Inspector is not communicated to the Owners of the Reservoir within Months, after the Receipt by the Board of Trade of the Notice of the Reservoir being

being ready for filling, the Owners shall be at liberty to fill the Reservoir as if this Act had not been passed.

If Danger not reported, no Restriction on filling.

9. If in any Case the Inspector's Report does not state that in his Opinion the filling of the Reservoir would be attended with Danger to the Public, the Owners shall be at liberty to fill the Reservoir as if this Act had not been passed, and notwithstanding that the Period of *One Month* after the giving of Notice by them to the Board of Trade is not expired (in case the Report is sent to the Owners within that *Month*).

If Danger reported, Reservoir not to be filled.

10. If the Inspector's Report states that in his Opinion the filling of the Reservoir would be attended with Danger to the Public the Board of Trade may, if they think fit, certify to the Effect that the Reservoir ought not to be filled, and deliver the Certificate to the Owners, and thereupon it shall not be lawful for the Owners to fill the Reservoir.

Penalty for filling in that Case.

11. If the Owners of the Reservoir nevertheless proceed to fill it they shall be liable to a Penalty not exceeding *Five hundred Pounds*, and to a further Penalty not exceeding *One hundred Pounds* for every Day during which they keep it filled after the Day on which the First Penalty is incurred, without Prejudice to any other Proceeding or Remedy against them.

Renewal of Application to Board of Trade.

12. If at any Time after such a Certificate of the Board of Trade the Owners of the Reservoir to which the Report relates are desirous of filling it, they may again give Notice in Writing to the Board of Trade, and the Provisions of this Act shall have Effect in relation to that Notice in like Manner as in relation to the First Notice, and as if the Certificate had not been given, and so toties quoties.

Filling for Purposes of Inspection.

13. Nothing in this Act shall prevent the filling of a Reservoir for the Purposes of the Inspection thereof.

Owners to defray Expenses of Inspection.

14. The Owners of the Reservoir shall pay all Expenses incurred by or under the Direction or Authority of the Board of Trade in or about any such Inspection, and the Amount thereof shall be a Debt due from the Owners to the Crown, and be recoverable accordingly, with Costs, or the same may be recovered, with Costs, as a Penalty is recoverable from the Owners under their Special Act (if any).

Additional Lands.

Application to Board of Trade for Certificate.

15. If in consequence of the Result of any Inspection or otherwise the Owners of any Reservoir or other Waterwork authorized by Special Act are desirous of obtaining Power to take additional

Lands for either of the following Purposes, namely, for the Purpose of giving increased Width to any Embankment (whether completed or in course of Construction) of or connected with that Reservoir or Work, or for the Purpose of executing Works with a view to the Repair thereof, or to the Prevention of any Accident apprehended thereto, then and in every such Case they may apply to the Board of Trade for a Certificate to authorize them to take those Lands.

Notice to Parties interested.

16. Where the Owners intend to apply to the Board of Trade for such a Certificate they shall, *Fourteen* Days at least before making the Application, serve Notice of their Intention to make the same on the Parties who under the Lands Clauses Acts are interested in or entitled to sell the Lands proposed to be taken, in the Manner in which Notices required to be served by the Promoters of an Undertaking on the like Parties are by the Lands Clauses Acts directed to be served, stating in the Notice the Particulars of the Lands proposed to be taken.

Opposition by Party interested.

17. If any Party so served with Notice applies to the Board of Trade within the said Period of *Fourteen* Days to be heard against the Certificate he shall be heard before the Certificate is given.

Certificate of Board of Trade.

18. If it is shown to the Satisfaction of the Board of Trade that the public Safety requires that additional Lands be taken by the Owners of the Reservoir or Work for either of the Purposes aforesaid, and that the Notices required by this Act have been duly served, the Board of Trade shall, unless there appears good Cause to the contrary, certify accordingly.

Owners may take Lands under the Certificate.

19. Under and by virtue of any such Certificate, and subject and according to the Provisions of the Lands Clauses Acts (which Acts are hereby incorporated with this Act, and for the Purposes of which Acts this Act and the Certificate together shall be deemed the Special Act), and within the Time to be prescribed in the Certificate, the Owners of the Reservoir or Work may enter on take and use all or any Part of the Lands specified in the Certificate.

Costs of Opposition where successful.

20. Where the Certificate is refused the Owners of the Reservoir or Work shall, if required by the Board of Trade, pay to the Party resisting their Application the Expenses incurred by him in that Behalf, the Amount thereof to be determined by the Board of Trade, or by some Person appointed for that Purpose by the Board of Trade, and the Amount shall be recoverable by the Owners from the Complainant by Proceedings in any Court of competent Jurisdiction.

Inspec-

Inspection of dangerous Reservoirs by Board of Trade.

On Complaint, Board of Trade to inspect.

21. If any Person complains to the Board of Trade that a Reservoir is in a dangerous State, the Board of Trade, unless there appears good Cause to the contrary, shall with all convenient Speed cause the Reservoir to be inspected.

Power for Board of Trade to inspect without Complaint.

22. The Board of Trade, if at any Time it seems expedient with a view to the public Safety, without Complaint by any Person, may proceed as if a Complaint had been made to them.

If imminent Danger reported, Power for Board of Trade to direct Repairs, &c.

23. If the Inspector reports to the Board of Trade that the Reservoir is in a dangerous State and that the Danger is imminent, the Board of Trade may direct some fit Person to enter on the Property of the Owners of the Reservoir, and to lower the Water therein, and to execute and do all such Works and Things as to the Board of Trade seem requisite and proper for obviating the Danger.

If Danger reported, but not imminent, Notice to Owners to repair, &c.

24. If the Inspector reports to the Board of Trade that the Reservoir is in a dangerous State but that the Danger is not imminent, the Board of Trade may give Notice thereof to the Owners of the Reservoir, and require them, within such Time as to the Board of Trade seems reasonable and as is specified in the Notice, to lower the Water in the Reservoir, and to execute and do all such Works and Things as to the Board of Trade seem requisite and proper for obviating the Danger, the same to be indicated in the Notice.

On Failure of Owners, Board of Trade to direct Repairs, &c.

25. If the Owners fail to execute or do within the prescribed Time any such Work or Thing, the Board of Trade on being satisfied of such Failure, may direct some fit Person to enter on the Property of the Owners and to lower the Water in the Reservoir, and to execute and do all such Works and Things as to the Board of Trade seem requisite and proper for obviating the Danger.

If Complaint unfounded, Power to direct Complainant to pay Expenses, &c.

26. If in any Case where the Board of Trade proceed on a Complaint made it appears to the Board of Trade that there was no sufficient Ground for the Complaint, the Board of Trade may, if it seems fit, direct that the Complainant do pay to the Board of Trade all Expenses incurred by or under the Direction of the Board of Trade in consequence of the Complaint, and also do pay to the Owners of the Reservoir the whole or any Part of their Costs of or incident to the Complaint.

Recovery of Expenses from Complainant.

27. The Amount of any Expenses so directed by the Board of Trade to be paid to the Board of Trade by the Complainant shall be a Debt

a Debt due from him to the Crown, and be recoverable accordingly with Costs.

Recovery of Costs of Owners from Complainant.

28. The Amount of any Costs directed by the Board of Trade to be paid by the Complainant to the Owners shall be recoverable by the Owners from the Complainant by Proceedings in any Court of competent Jurisdiction.

Payment of Expenses and Costs by Owners.

29. Subject to the foregoing Provisions, the Owners shall pay all Expenses incurred by or under the Direction or Authority of the Board of Trade in or about or in consequence of any such Inspection, and the Amount thereof shall be a Debt due from the Owners to the Crown and be recoverable accordingly, with Costs, or the same may be recovered with Costs as a Penalty is recoverable from the Owners under their Special Act (if any).

Inspection of dangerous Reservoirs by Justices.

Power for Justices to inquire into Danger from Reservoir.

30. If any Person complains to a Justice that a Reservoir is in a dangerous State, that Justice, in conjunction with another Justice, shall forthwith make Inquiry into the Truth of the Complaint.

Power for Justices to inquire without Complaint.

31. Any Two Justices on their own View, and without Complaint by any Person, may proceed as if a Complaint had been made to them.

Order of Justices for immediate Repair.

32. If on Inquiry the Justices are satisfied that the Reservoir is in a dangerous State and that the Danger is imminent, they shall order some fit Person to enter on the Property of the Owners of the Reservoir and to lower the Water therein, and to execute and do all such Works and Things as to the Justices seem requisite and proper for obviating the Danger.

Summons of Justices to Owners.

33. If on Inquiry the Justices are satisfied that the Reservoir is in a dangerous State but that the Danger is not imminent, they shall issue their Summons to the Owners to answer the Complaint.

Order on Owners to repair.

34. On hearing the Parties the Justices may, or in default of Appearance of the Owners, then in their Absence the Justices shall, order the Owners within such Time as the Justices think reasonable and specify in the Order to lower the Water in the Reservoir, and to execute and do all such Works and Things as to the Justices seem requisite and proper for obviating the Danger.

Penalty and further Order on Failure of Owners to repair.

35. If the Owners fail to execute or do within the Time specified in the Order any Work or Thing thereby prescribed, they shall be liable to a Penalty not exceeding *One hundred Pounds*, and to a further

further Penalty not exceeding *Ten Pounds* for every Day during which such Failure continues after the Day on which the First Penalty is incurred.

In any such Case (without Prejudice to the Recovery of any such Penalty) any Two Justices, on being satisfied of such Failure, may order some fit Person to enter on the Property of the Owners and to lower the Water in the Reservoir, and to execute and do all such Works and Things as to the Justices seem requisite and proper for obviating the Danger.

Payment of Costs and Expenses by Owners.

36. Two Justices may, if they think fit, order that all or any Part of the Costs of and incident to the applying for and obtaining of any such Order be paid by the Owners, and that all or any Part of the Expenses of the Works and Things executed and done in pursuance of any Order of Justices by any Person other than the Owners, be paid by the Owners to such Person as the Justices appoint.

Payment of Costs by Complainant.

37. If Two Justices think that there was not sufficient Ground for the Complaint, they may, if they think fit, order that the Complainant do pay to the Owners the whole or any Part of their Costs of or incident to the Complaint.

Appeal to Quarter Sessions.

38. If in any Case the Owners consider themselves aggrieved by any Order or Determination of the Justices they may appeal to the Court of Quarter Sessions; but such an Appeal shall not be entertained unless it is made within *Four Months* next after the making of the Order or Determination, nor unless *Ten Days* Notice in Writing of the Appeal stating the Nature and Grounds thereof is given to the Party against whom the Appeal is brought, nor unless the Appellant forthwith after such Notice enters into Recognizances with *Two* sufficient Sureties before a Justice conditioned duly to prosecute the Appeal and to abide the Order of the Court thereon.

Order of Quarter Sessions.

39. At the Session for which Notice is given the Court shall hear and determine the Appeal in a summary Way, or may if they think fit adjourn it to a subsequent Session, and on the Hearing of the Appeal the Court may affirm or quash the Order or Determination or make such other Order in the Matter as they think fit, and may make such Order concerning the Costs both of the original Proceedings and of the Appeal as they think reasonable.

In Scotland Power for Sheriff to act, with Appeal.

40. In Scotland the Sheriff shall have the like Powers as Two Justices; and the Appeal given shall lie from a Sheriff Substitute to the

the Sheriff Depute where the Matter comes in the first instance before a Sheriff Substitute; and in that Case the Sheriff Depute shall hear and determine the Appeal, and may confirm, recal, vary, or supersede the Order of the Sheriff Substitute as he thinks proper; the Costs of the Appeal shall be in the Discretion of the Sheriff; and the Order or Judgment of the Sheriff in the Appeal shall be final.

Pending Appeal, Order to be observed.

41. Notwithstanding an Appeal the Order or Determination appealed against shall be in force and observed.

Execution of Directions, &c.

Protection of Persons executing Directions of Board of Trade, &c.

42. Any Person acting in pursuance of any Direction of the Board of Trade, or of any Order of Justices, or of the Court of Quarter Sessions, or of the Sheriff, under this Act, shall not be deemed a Trespasser; and if any Person wilfully obstructs any Person lawfully acting in obedience to any such Order or Direction, or wilfully does, or instigates or suffers to be done anything in contravention thereof, he shall for every such Offence be liable to a Penalty not exceeding *Fifty Pounds*.

Owners not responsible for Diminution of Supply, &c.

43. Notwithstanding anything in any other Act or in any Agreement the Owners shall not be liable to pay any Damages, Penalties, Costs, Charges, or Expenses for or in respect of any Diminution or Cessation of the Supply of Water or any other Breach or Nonperformance of any of their Duties, Liabilities, or Obligations occasioned by or resulting from the Execution of any Direction of the Board of Trade, or of any Order of Justices, or of the Court of Quarter Sessions, or of the Sheriff, under this Act.

Temporary Occupation of adjoining Lands.

In case of Accident Board of Trade may authorize temporary Occupation of adjoining Lands.

44. In case of any Accident happening or being apprehended to any Reservoir or other Waterwork authorized by Special Act, the Board of Trade may authorize the Owners thereof, or any Person acting under a Direction of the Board of Trade by virtue of any of the Provisions of this Act, to enter on and occupy temporarily any Lands adjoining thereto for the Purpose of repairing the same or preventing the Occurrence of such Accident (as the Case may be), and to execute Works necessary for that Purpose.

All Works so executed shall be as little injurious to the Lands entered on as the Circumstances admit, and shall be executed with all possible Despatch.

Full Compensation shall be made to all Persons sustaining Damage by reason of the Exercise of the Powers of this Section, the Title to and Amount and Application of such Compensation if disputed to be determined in manner provided by the Lands Clauses Acts

Acts for Determination of the Title to and Amount and Application of Compensation for Lands injuriously affected, and the Amount thereof to be paid by the Owners and to be recoverable from them as Compensation under the Lands Clauses Acts for Lands injuriously affected is recoverable.

Power for Owners in case of Urgency to enter on adjoining Lands.

45. In case of great Urgency the Owners of such a Reservoir or other Waterwork may enter on such adjoining Lands and execute such Works as aforesaid without having previously obtained from the Board of Trade Authority to do so; but in every such Case the Owners shall, within *Forty-eight Hours* after so entering, make a Report to the Board of Trade specifying the Nature of the Accident or apprehended Accident and of the requisite Works; and if the Board of Trade, after considering the Report, certify their Opinion that the Exercise by the Owners of the Powers of this Section are not necessary for the public Safety, then the Powers of this Section shall absolutely cease to be exercised by the Owners.

The Provisions of the last foregoing Section respecting the Execution of Works and the Payment of Compensation shall be deemed to extend to the Case provided for by the present Section.

Liability of Owners.

Liability of Owners for Damages.

46. The Owners of any Reservoir or other Waterwork (except a Reservoir or Work constructed under the Authority of a Special Act passed in the present or any previous Session) shall be liable to make good to Owners, Lessees, and Occupiers of Lands and all other Persons all Damage of what Nature or Kind soever, as well immediate as consequential, incurred by those Owners, Lessees, Occupiers, or other Persons, by reason or in consequence of any Flood caused by the giving way of that Reservoir or Work; and it shall not be necessary in any such Case for any Person to show Negligence on the Part of the Owners of the Reservoir or Work, in order to establish his Title to Damages by reason or in consequence of any such Flood.

General Provisions.

Recovery of Penalties.

47. The Provisions respecting the Recovery of Penalties contained in The Waterworks Clauses Act, 1847, are hereby incorporated with this Act.

Power for Board of Trade to require Plans, &c.

48. For the Purposes of this Act, the Board of Trade may from Time to Time require the Owners of any Reservoir or Waterwork to deliver and give to the Board of Trade or any Inspector or Person acting under their Direction, such Plans, Sections, Drawings,

ings, and Documents and such Information, as the Board of Trade think requisite, with a view to the proper Execution of the Duties imposed by this Act on the Board of Trade; and the Owners shall deliver and give the same accordingly.

Forms of Orders, &c.

49. Any Order, Certificate, or other Instrument made by the Board of Trade under this Act shall be signed by One of the Secretaries or Assistant Secretaries of the Board.

Any Order of Justices under this Act shall be in Writing under their Hands, and may be in the Form given in the Schedule to this Act, with such Modifications or Additions as Circumstances require.

Repeal of 26 & 27 Vict. c. 93. ss. 3–11.

50. Sections Three to Eleven, both inclusive, of The Waterworks Clauses Act, 1863, are hereby repealed.

SCHE-

SCHEDULE.

Form of Order of Justices.

To A.B. of) &c.

We, the undersigned, Two of Her Majesty's Justices of the Peace acting for the [*County*] of do hereby order and direct you [and such Person and Persons as you require to aid and assist you herein] forthwith to lower the Water in the [*here describe the Reservoir and the Extent to which the Water is to be lowered*], and to do all such Works and Things as are requisite to make secure the said Reservoir [and you shall do as little Injury as possible to the Property of the] and for acting as you are hereby directed this shall be your sufficient Warrant.

Given under our Hands this Day of 18 .

A.B.
C.D.

Waterworks.

A

BILL

To make better Provision for the Security of Reservoirs, and otherwise to amend the Law relating to Waterworks.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Monsell.*)

Ordered, by The House of Commons, *to be Printed,* 9 *March* 1866.

[Bill 61.]

Under 2 oz.

Waterworks Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

CLAUSES.

1. Short Title.
2. Interpretation.

Inspection of Reservoirs before filling.

3. Reservoirs of certain Capacity to be inspected.
4. Application of Provisions as to filling of Reservoirs.
5. Notice to Board of Trade before filling of Reservoirs.
6. Penalty for Want of Notice.
7. Inspection by Board of Trade.
8. Limitation of Time for Inspection after Notice.
9. If Danger not reported, no Restriction on filling.
10. If Danger reported, Reservoir not to be filled.
11. Penalty for filling in that Case.
12. Renewal of Application to Board of Trade.
13. Filling for Purposes of Construction or Inspection.
14. Owners to defray Expenses of Inspection.

Additional Lands.

15. Application to Board of Trade for Certificate.
16. Notice to Parties interested.
17. Opposition by Party interested.
18. Certificate of Board of Trade.
19. Owners may take Lands under the Certificate.
20. Costs of Opposition where successful.

Inspection of dangerous Reservoirs by Board of Trade.

21. On Complaint, Board of Trade to inspect.
22. Power for Board of Trade to inspect without Complaint.
23. If imminent Danger reported, Power for Board of Trade to direct Repairs, &c.
24. If Danger reported, but not imminent, Notice to Owners to repair, &c.
25. On Failure of Owners, Board of Trade to direct Repairs, &c.

26. If Complaint unfounded, Power to the Board of Trade to direct Complainant to pay Expenses, &c.
27. Recovery of Expenses from Complainant.
28. Recovery of Costs of Owners from Complainant.
29. Payment of Expenses and Costs by Owners.

Inspection of dangerous Reservoirs by Justices.

30. Power for Justices, &c. to inquire into Danger from Reservoirs.
31. Power for Justices, &c. to inquire without Complaint.
32. Order of Justices, &c. for immediate Repair.
33. Report of Justices, &c. to Secretary of State.
34. Board of Trade to proceed on Communication from Secretary of State.
35. Justices, &c. not to act pending Proceedings by Board of Trade.
36. Expenses of Proceedings of Justices, &c.

Execution of Directions, &c.

37. Protection of Persons executing Directions of Board of Trade, &c.
38. Owners not responsible for Diminution of Supply, &c.

Temporary Occupation of adjoining Lands.

39. In case of Accident, Board of Trade may authorize temporary Occupation of adjoining Lands.
40. Power for Owners in case of Urgency to enter on adjoining Lands.

Liability of Owners of Reservoirs.

41. Liability of Owners for Damages.

General Provisions.

42. Recovery of Penalties.
43. Power for Board of Trade to require Plans, &c.
44. Forms of Orders, &c.
45. Service of Notices, &c. on Owners.
46. Repeal of 26 & 27 Vict. c. 93. ss. 3–11.

SCHEDULE.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Make better Provision for the Security of Reservoirs, and otherwise to amend the Law relating to Waterworks.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Preliminary.

1. This Act may be cited as The Waterworks Act, 1866. Short Title.

2. In this Act— Interpretation.

The Term "Owners" means the Company, Corporation, Body, Persons or Person for the Time being in occupation of the Reservoir or other Waterwork referred to, or authorized to construct or engaged in the Construction of the same as Proprietors thereof :

The Term "the Lands Clauses Acts" means with respect to England The Lands Clauses Consolidation Act, 1845, and with respect to Scotland The Lands Clauses Consolidation (Scotland) Act, 1845, with, in each Case, The Lands Clauses Consolidation Acts Amendment Act, 1860, and with respect to Ireland, The Railways Act (Ireland), 1851, with Acts incorporated in or amending that Act :

The Term "Special Act" means an Act of Parliament authorizing the Construction of a Waterwork:

The Term "Justice" means a Justice of the Peace acting for the Place where the Matter requiring the Cognizance of a Justice arises, and if it arises in respect of any Lands, Stream, or Work situate not wholly in One Jurisdiction, then a Justice acting for the Place where any Part thereof is situate:

The Term "Two Justices" means Two or more Justices met and acting together:

The Term "Sheriff" means the Sheriff Depute of the County or Ward of a County in Scotland, and the Steward Depute of the Stewartry in Scotland, in which the Matter submitted to the Cognizance of the Sheriff arises, and includes the Substitutes of such Sheriff Depute and Steward Depute respectively:

The Term "Person" includes a Body Corporate.

Inspection of Reservoirs before filling.

Reservoirs of certain Capacity to be inspected.

3. The Provisions of this Act relative to Inspection of Reservoirs before filling extend only to any Reservoir capable or intended to be capable of containing when filled to the Weir or Overflow Level thereof more than One Million Cubic Feet of Water.

Application of Provisions as to filling of Reservoirs.

4. The Provisions of this Act relative to the filling of Reservoirs shall be construed to apply to the filling or partial filling thereof with Water, and to the causing or allowing Water to collect therein to any Extent whatever.

Notice to Board of Trade before filling of Reservoirs.

5. Where the Owners of a Reservoir not completed and filled before the passing of this Act are desirous of filling it, they may give Notice in Writing to the Board of Trade that the Reservoir is ready for filling.

Penalty for Want of Notice.

6. If the Owners of any such Reservoir fill it without giving such Notice, or (save as in this Act expressly authorized) within One Month after giving such Notice, they shall be liable to a Penalty not exceeding One hundred Pounds, and to a further Penalty not exceeding Fifty Pounds for every Day during which they keep the Reservoir filled after the Day on which the First Penalty is incurred.

Inspection by Board of Trade.

7. As soon as conveniently may be after the Receipt of any such Notice, the Board of Trade shall cause the Reservoir to which it relates to be inspected, and a Report in Writing stating the Results of the Inspection and the Inspector's Opinion and the Grounds thereof, shall be made to the Board of Trade, and a Copy thereof shall be delivered by the Board of Trade to the Owners of the Reservoir.

8. If

Limitation of Time for Inspection after Notice.

8. If in any Case the Inspection is not commenced within One Month, or a Copy of some Report of the Inspector is not delivered to the Owners of the Reservoir within Three Months, after the Receipt by the Board of Trade of such Notice, the Owners shall be at liberty to fill the Reservoir as if this Act had not been passed.

If Danger not reported, no Restriction on filling.

9. If in any Case the Inspector's Report does not state that in his Opinion the filling of the Reservoir would be attended with Danger to the Public, the Owners shall be at liberty to fill the Reservoir as if this Act had not been passed, and notwithstanding that the Period of One Month after the giving of Notice by them to the Board of Trade is not expired (in case a Copy of the Report is delivered to the Owners within that Month).

If Danger reported, Reservoir not to be filled.

10. If in any Case the Inspector's Report states that in his Opinion the filling of the Reservoir would be attended with Danger to the Public, the Board of Trade may, if they think fit, certify to the Effect that the Reservoir ought not to be filled, and deliver the Certificate to the Owners, and thereupon it shall not be lawful for the Owners to fill the Reservoir.

Penalty for filling in that Case.

11. If the Owners of the Reservoir nevertheless proceed to fill it they shall be liable to a Penalty not exceeding Five hundred Pounds, and to a further Penalty not exceeding One hundred Pounds for every Day during which they keep it filled after the Day on which the First Penalty is incurred, without Prejudice to any other Proceeding or Remedy against them.

Renewal of Application to Board of Trade.

12. If at any Time after such a Certificate of the Board of Trade the Owners of the Reservoir to which the Report relates are desirous of filling it, they may again give Notice in Writing to the Board of Trade that the Reservoir is ready for filling, and the Provisions of this Act shall have Effect in relation to that Notice in like Manner as in relation to the First Notice, and as if the Certificate had not been given, and so toties quoties.

Filling for Purposes of Construction of Inspection.

13. Nothing in this Act shall be taken to prohibit the Owners of a Reservoir from causing or allowing Water to collect therein, as far as may be found unavoidable or requisite during or for the Purposes of the Construction thereof, or to prevent the filling of a Reservoir for the Purposes of the Inspection thereof.

Owners to defray Expenses of Inspection.

14. The Owners of the Reservoir shall be liable to pay on Demand all Expenses incurred by or under the Direction or Authority of the Board of Trade in or about any such Inspection, and the Amount thereof as and when demanded shall be a Debt due from the Owners to

to the Crown, and be recoverable accordingly, with Costs, or the same may be recovered, with Costs, as a Penalty is recoverable from the Owners under their Special Act (if any).

Additional Lands.

Application to Board of Trade for Certificate.

15. If in consequence of the Result of any Inspection or otherwise the Owners of any Reservoir or other Waterwork authorized by Special Act are desirous of obtaining Power to take additional Lands for either of the following Purposes, namely,—for the Purpose of giving increased Width to any Embankment (whether completed or in course of Construction) of or connected with that Reservoir or Work, or for the Purpose of executing Works with a view to the Repair or increased Stability thereof, or to the Prevention of any Accident apprehended thereto, then and in every such Case they may apply to the Board of Trade for a Certificate to authorize them to take those Lands.

Notice to Parties interested.

16. Where the Owners intend to apply to the Board of Trade for such a Certificate they shall, Fourteen Days at least before making the Application, serve Notice of their Intention to make the same on the Persons who under the Lands Clauses Acts are interested in or entitled to sell the Lands proposed to be taken, in the Manner in which Notices required to be served by the Promoters of an Undertaking on the like Persons are by the Lands Clauses Acts directed to be served, stating in the Notice the Particulars of the Lands proposed to be taken.

Opposition by Party interested.

17. If any Person so served with Notice applies to the Board of Trade within the said Period of Fourteen Days to be heard against the Certificate he shall be heard before the Certificate is given.

Certificate of Board of Trade.

18. If it is shown to the Satisfaction of the Board of Trade that the public Safety requires that additional Lands be taken by the Owners of the Reservoir or Work for either of the Purposes aforesaid, and that the Notices required by this Act have been duly served, the Board of Trade shall, unless there appears good Cause to the contrary, certify accordingly.

Owners may take Lands under the Certificate.

19. Under and by virtue of any such Certificate, and subject and according to the Provisions of the Lands Clauses Acts (which Acts are hereby incorporated with this Act, and for the Purposes of which Acts this Act and the Certificate together shall be deemed the Special Act), and within the Time prescribed in the Certificate, the Owners of the Reservoir or Work may enter on take and use all or any Part of the Lands specified in the Certificate.

20. Where

20. Where the Certificate is refused the Owners of the Reservoir or Work shall, if required by the Board of Trade, pay to the Person resisting their Application the Expenses incurred by him in that Behalf, the Amount thereof to be determined by the Board of Trade, or by some Person appointed for that Purpose by the Board of Trade, and the Amount shall be recoverable by the Owners from the Complainant by Proceedings in any Court of competent Jurisdiction. Costs of Opposition where successful.

Inspection of dangerous Reservoirs by Board of Trade.

21. If any Person complains to the Board of Trade that a Reservoir is in a dangerous State, the Board of Trade, unless there appears good Cause to the contrary, shall with all convenient Speed cause the Reservoir to be inspected. On Complaint, Board of Trade to inspect.

Every such Complaint shall be in Writing, and a Copy thereof shall be delivered by the Complainant to the Owners of the Reservoir not later than the Time when the Complaint is made to the Board of Trade.

Where the Board of Trade direct an Inspection they shall cause Notice thereof in Writing to be given to the Owners of the Reservoir.

22. The Board of Trade, if at any Time it seems to them expedient with a view to the public Safety, without Complaint by any Person, may proceed as if a Complaint had been made to them. Power for Board of Trade to inspect without Complaint.

23. If the Inspector reports to the Board of Trade that the Reservoir is in a dangerous State and that the Danger is imminent, the Board of Trade may, if they think fit, direct some fit Person to enter on the Property of the Owners of the Reservoir, and to lower the Water in the Reservoir, and to do such Things as to the Board of Trade seem requisite and proper for obviating the Danger. If imminent Danger reported, Power for Board of Trade to direct Repairs, &c.

24. If the Inspector reports to the Board of Trade that the Reservoir is in a dangerous State but that the Danger is not imminent, the Board of Trade may give Notice thereof in Writing to the Owners of the Reservoir, and require them, within such Time as to the Board of Trade seems reasonable and as is specified in the Notice, to lower the Water in the Reservoir, and to execute and do all such Works and Things as to the Board of Trade seem requisite and proper for obviating the Danger, the same to be indicated in the Notice. If Danger reported, but not imminent, Notice to Owners to repair, &c.

25. If the Owners fail to execute or do within the prescribed Time any such Work or Thing, the Board of Trade on being satisfied of such Failure, may direct some fit Person to enter on the Property On Failure of Owners, Board of Trade to direct Repairs, &c.

Property of the Owners and to lower the Water in the Reservoir, and to execute and do all such Works and Things as to the Board of Trade seem requisite and proper for obviating the Danger.

If Complaint unfounded, Power to direct Complainant to pay Expenses, &c.

26. If in any Case where the Board of Trade proceed on a Complaint made it appears to the Board of Trade that there was no sufficient Ground for the Complaint, the Board of Trade may, if they think fit, direct that the Complainant do pay to the Board of Trade any Expenses incurred by or under the Direction of the Board of Trade in consequence of the Complaint, and also do pay to the Owners of the Reservoir the whole or any Part of their Costs of or incident to the Complaint.

Recovery of Expenses from Complainant.

27. The Amount of any Expenses directed by the Board of Trade to be paid to the Board of Trade by the Complainant shall be a Debt due from him to the Crown, and be recoverable accordingly with Costs.

Recovery of Costs of Owners from Complainant.

28. The Amount of any Costs directed by the Board of Trade to be paid by the Complainant to the Owners shall be recoverable by the Owners from the Complainant by Proceedings in any Court of competent Jurisdiction.

Payment of Expenses and Costs by Owners.

29. Subject to the foregoing Provisions, the Owners shall be liable to pay on Demand all Expenses incurred by or under the Direction or Authority of the Board of Trade in or about or in consequence of any such Inspection, and the Amount thereof, as and when demanded, shall be a Debt due from the Owners to the Crown and be recoverable accordingly, with Costs, or the same may be recovered with Costs as a Penalty is recoverable from the Owners under their Special Act (if any).

Inspection of dangerous Reservoirs by Justices or Sheriff.

Power for Justices, &c. to inquire into Danger from Reservoir.

30. If any Person complains in England or Ireland to a Justice, or in Scotland to the Sheriff, that a Reservoir is in a dangerous State, that Justice, in conjunction with another Justice, or the Sheriff (as the Case may be), shall forthwith make Inquiry into the Truth of the Complaint.

Every such Complaint shall be in Writing, and a Copy thereof shall be sent under Direction of the Justice or Sheriff to whom the Complaint is made to the Owners of the Reservoir.

Power for Justices, &c. to inquire without Complaint.

31. In England or Ireland Two Justices and in Scotland the Sheriff, on their or his own View, and without Complaint by any Person, may proceed as if a Complaint had been made to them or him.

32. If

32. If on Inquiry the Justices or Sheriff are or is satisfied that the Reservoir is in a dangerous State and that the Danger is imminent, they or he shall cause Notice thereof to be given to the Owners, and shall, unless there appears good Cause to the contrary, order some fit Person to enter on the Property of the Owners and to lower the Water in the Reservoir, and to do such Things as to the Justices or Sheriff seem requisite and proper for obviating the Danger; and the Justices or Sheriff shall, within Twelve Hours after making such Order, send Information thereof to One of Her Majesty's Principal Secretaries of State (in this Act referred to as the Secretary of State). Order of Justices &c. for immediate Repair.

33. If on Inquiry the Justices or Sheriff are or is satisfied that the Reservoir is in a dangerous State but that the Danger is not imminent, they or he shall cause Notice thereof to be given to the Owners of the Reservoir and shall send Information thereof to the Secretary of State. Report of Justices, &c. to Secretary of State.

34. If in any such Case the Information sent to the Secretary of State is communicated by him to the Board of Trade, the Board of Trade shall proceed as if a Complaint had been made to them as aforesaid, and the foregoing Provisions of this Act shall extend and apply to the Case accordingly. Board of Trade to proceed on Communication from Secretary of State.

35. Any Justice or Sheriff shall not entertain a Complaint relative to a Reservoir if it is shown to him that Proceedings before or by the Board of Trade in respect of the Reservoir are pending. Justices, &c. not to act pending Proceedings by Board of Trade.

36. The Owners shall be liable to pay on Demand all Expenses incurred under the Direction of Justices or a Sheriff in pursuance of this Act, and the same shall be recoverable from the Owners by Proceedings in any Court of competent Jurisdiction. Expenses of Proceedings of Justices, &c.

Execution of Directions, &c.

37. Any Person acting under any Direction of the Board of Trade, or Order of Justices or Sheriff, under this Act, shall not be deemed a Trespasser; and if any Person wilfully obstructs any Person so acting, or wilfully does or instigates or suffers to be done anything in contravention of any such Direction or Order, he shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds. Protection of Persons executing Directions of Board of Trade, &c.

38. Notwithstanding anything in any other Act or in any Agreement the Owners of a Reservoir shall not be liable to pay any Damages, Penalties, Costs, Charges, or Expenses for or in respect of Owners not responsible for Diminution of Supply, &c.

of any Diminution or Cessation of a Supply of Water or any other Breach or Nonperformance of any of their Duties or Obligations relative to a Supply of Water, occasioned by or resulting from the Execution of any Direction of the Board of Trade, or of any Order of Justices or a Sheriff under this Act.

Temporary Occupation of adjoining Lands.

In case of Accident Board of Trade may authorize temporary Occupation of adjoining Lands.

39. In case of any Accident happening or being apprehended to any Reservoir or other Waterwork authorized by Special Act, the Board of Trade may authorize the Owners thereof, or any Person acting under a Direction of the Board of Trade by virtue of any of the Provisions of this Act, to enter on and occupy temporarily any Lands adjoining thereto for the Purpose of repairing the same or preventing the Occurrence of such Accident (as the Case may be), and to execute Works necessary for that Purpose.

All Works so executed shall be as little injurious to the Lands entered on as the Circumstances admit, and shall be executed with all possible Despatch.

Full Compensation shall be made to all Persons sustaining Damage by reason of the Exercise of the Powers of this Section, the Title to and Amount and Application of such Compensation if disputed to be determined in manner provided by the Lands Clauses Acts for Determination of the Title to and Amount and Application of Compensation for Lands injuriously affected, and the Amount thereof to be paid by the Owners and to be recoverable from them as Compensation under the Lands Clauses Acts for Lands injuriously affected is paid and recoverable.

Power for Owners in case of Urgency to enter on adjoining Lands.

40. In case of great Urgency the Owners of such a Reservoir or other Waterwork may enter on such adjoining Lands and execute such Works as aforesaid without having previously obtained from the Board of Trade Authority to do so; but in every such Case the Owners shall, within Forty-eight Hours after so entering, make a Report to the Board of Trade specifying the Nature of the Accident or apprehended Accident and of the requisite Works; and if the Board of Trade, after considering the Report, certify their Opinion that the Exercise by the Owners of the Powers of this Section are not necessary for the public Safety, then those Powers shall absolutely cease to be exercised by the Owners.

The Provisions of the last foregoing Section respecting the Execution of Works and the Payment of Compensation shall be deemed to extend to the Case provided for by the present Section.

Liability

Liability of Owners of Reservoirs.

41. The Owners of a Reservoir shall be liable to make good to Owners, Lessees, and Occupiers of Lands and all other Persons all Damage of what Nature or Kind soever, as well immediate as consequential, incurred by those Owners, Lessees, Occupiers, or other Persons, by reason or in consequence of any Flood caused by the failure or giving way of that Reservoir; and it shall not be necessary in any such Case for any Person to show Negligence on the Part of the Owners of the Reservoir, in order to establish his Title to Damages by reason or in consequence of any such Flood; but nothing in this Section shall extend the Liability of the Owners of a Reservoir constructed under the Authority of a Special Act passed in any Session of Parliament previous to the present Session. Liability of Owners for Damages.

General Provisions.

42. The Provisions respecting the Recovery of Penalties contained in The Waterworks Clauses Act, 1847, are hereby incorporated with this Act; and the Term "Undertakers" therein used shall, for the Purposes of this Act, mean Owners as defined in this Act. Recovery of Penalties.

43. For the Purposes of this Act, the Board of Trade may from Time to Time require the Owners of any Reservoir or Waterwork to deliver and give to the Board of Trade or any Inspector or Person acting under their Direction, such Plans, Sections, Drawings, Documents, and Information as the Board of Trade think requisite, with a view to the proper Execution of the Duties imposed by this Act on the Board of Trade; and the Owners shall deliver and give the same accordingly. Power for Board of Trade to require Plans, &c.

44. Any Order, Certificate, or other Instrument made by the Board of Trade under this Act shall be signed by One of the Secretaries or Assistant Secretaries of the Board. Forms of Orders, &c.

Any Order of Justices under this Act shall be in Writing under their Hands, and may be in the Form given in the Schedule to this Act, or to the like Effect, with such Modifications or Additions as Circumstances require.

45. Any Notice, Certificate, or other Document by this Act required to be given, sent, or delivered to the Owners of a Reservoir or Work may be given, sent, or delivered for them to any Person in charge of the Reservoir or Work or to or at any Office or Place of Business or Abode of the Owners, or in case there is no Person so in charge, or in case no such Office or Place of Business or Service of Notices, &c. on Owners.

Abode is known to the Authority or Person by whom the Notice, Certificate, or other Document is to be given, sent, or delivered, then the same may be given, sent, or delivered by being affixed to some Part of the Reservoir or Work.

Repeal of 26 & 27 Vict. c. 93. ss. 3–11.

46. As from the End of the present Session of Parliament Sections Three to Eleven, both inclusive, of The Waterworks Clauses Act, 1863, shall be and the same are hereby repealed; but this Repeal shall not affect the Construction of any Special Act of the present or any previous Session incorporating those Sections or any of them.

SCHE-

SCHEDULE.

Form of Order of Justices.

To *A.B.* of &c.

We, the undersigned, Two of Her Majesty's Justices of the Peace acting for the [*County*] of do hereby order you and such Person or Persons as you require to aid you herein forthwith to lower the Water in the [*here describe the Reservoir, and the Extent to which the Water is to be lowered, and the Things requisite and proper for obviating the Danger*]; and you shall do as little Injury as possible to the Property of the Owners of the said Reservoir; and for acting as you are hereby directed this shall be your sufficient Warrant.

Given under our Hands this Day of 18 .

A.B.
C.D.

Waterworks.

A

BILL

[AS AMENDED IN COMMITTEE]

To make better Provision for the Security of Reservoirs, and otherwise to amend the Law relating to Waterworks.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Monsell.*)

Ordered, by The House of Commons, *to be Printed*, 7 *May* 1866.

[Bill 137.]

Under 2 oz.

Waterworks Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Preliminary.

CLAUSES.

1. Short Title.
2. Interpretation.

Inspection of Reservoirs before filling.

3. New Reservoirs of certain Capacity to be inspected.
4. Notice to Board of Trade before filling of Reservoir.
5. Penalty for Want of Notice.
6. Inspection by Board of Trade.
7. Limitation of Time for Inspection after Notice.
8. If Danger not reported, no Restriction on filling.
9. If Danger reported, Reservoir not to be filled.
10. Penalty for filling in that Case.
11. Renewal of Application to Board of Trade.
12. Filling for Purposes of Construction or Inspection.
13. Owners to defray Expenses of Inspection.

Additional Lands.

14. Application to Board of Trade for Certificate.
15. Notice to Parties interested.
16. Opposition by Party interested.
17. Certificate of Board of Trade.
18. Owners may take Lands under the Certificate.
19. Costs of Opposition where successful.
20. Power for Owners to raise additional Money on Certificate of Board of Trade.

Inspection of dangerous Reservoirs by Board of Trade.

21. On Complaint, Board of Trade to inspect.
22. Power for Board of Trade to inspect without Complaint.
23. If imminent Danger reported, Power for Board of Trade to direct Repairs, &c.
24. If Danger reported, but not imminent, Notice to Owners to repair, &c.
25. On Failure of Owners, Board of Trade to direct Repairs, &c.

26. If Complaint unfounded, Power to the Board of Trade to direct Complainant to pay Expenses, &c.
27. Recovery of Expenses from Complainant.
28. Recovery of Costs of Owners from Complainant.
29. Payment of Expenses and Costs by Owners.

Inspection of dangerous Reservoirs by Justices or Sheriff.

30. Power for Justices, &c. to inquire into Danger from Reservoir.
31. Power for Justices, &c. to inquire without Complaint.
32. Order of Justices, &c. for immediate Repair.
33. Report of Justices, &c. to Secretary of State.
34. Board of Trade to proceed on Communication from Secretary of State.
35. Justices, &c. not to act pending Proceedings by Board of Trade.
36. If Complaint unfounded, Complainant liable to Costs.
37. Expenses of Proceedings of Justices, &c.

Execution of Directions, &c.

38. Protection of Persons executing Directions of Board of Trade, &c.
39. Owners not responsible for Diminution of Supply, &c.

Temporary Occupation of adjoining Lands.

40. In case of Accident, Board of Trade may authorize temporary Occupation of adjoining Lands.
41. Power for Owners in case of Urgency to enter on adjoining Lands.

Liability of Owners of Waterworks.

42. Liability of Owners for Damages by Flood or Leakage.
43. Liability of Owners for Damages by Pollution of Stream.

General Provisions.

44. Recovery of Penalties.
45. Power for Board of Trade to require Plans, &c.
46. Forms of Orders, &c.
47. Service of Notices, &c. on Owners.
48. Repeal of 26 & 27 Vict. c. 93. ss. 3–11.

SCHEDULE.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Make better Provision for the Security of Reservoirs, and otherwise to amend the Law relating to Waterworks.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Preliminary.

Short Title.

1. This Act may be cited as The Waterworks Act, 1866.

Interpretation.

2. In this Act—

The Term "Owners" means the Company, Corporation, Body, Persons or Person for the Time being in occupation of the Reservoir or other Waterwork referred to, or authorized to construct or engaged in the Construction of the same as Proprietors thereof :

The Term "the Lands Clauses Acts" means with respect to England The Lands Clauses Consolidation Act, 1845, and with respect to Scotland The Lands Clauses Consolidation (Scotland) Act, 1845, with, in each Case, The Lands Clauses Consolidation Acts Amendment Act, 1860, and with respect to Ireland, The Railways Act (Ireland), 1851, with Acts incorporated in or amending that Act :

The Term "Special Act" means an Act of Parliament authorizing the Construction of a Waterwork:

The Term "Justice" means a Justice of the Peace acting for the Place where the Matter requiring the Cognizance of a Justice arises, and if it arises in respect of any Lands, Stream, or Work situate not wholly in One Jurisdiction, then a Justice acting for the Place where any Part thereof is situate:

The Term "Two Justices" means Two or more Justices met and acting together:

The Term "Sheriff" means the Sheriff of the County in Scotland in which the Matter submitted to the Cognizance of the Sheriff arises, and includes the Sheriff Substitute:

The Term "Person" includes a Body Corporate.

Inspection of Reservoirs before filling.

New Reservoirs of certain Capacity to be inspected.

3. The Provisions of this Act relative to Inspection of Reservoirs before filling extend and apply only to any Reservoir capable or intended to be capable of containing when filled to the Weir or Overflow Level thereof more than One million Cubic Feet of Water, and do not extend or apply to any Reservoir completed and wholly or partially filled before the passing of this Act.

Notice to Board of Trade before filling of Reservoir.

4. Where the Owners of a Reservoir are desirous of filling it wholly or partially, they may give Notice in Writing to the Board of Trade that the Reservoir is ready for filling wholly or partially, as the Case may be.

Penalty for Want of Notice.

5. If the Owners of any such Reservoir fill it wholly or partially, or cause or allow Water to collect therein to any Extent, without giving such Notice, or (save as in this Act expressly authorized) within One Month after giving such Notice, they shall be liable to a Penalty not exceeding One hundred Pounds, and to a further Penalty not exceeding Fifty Pounds for every Day during which they keep the Reservoir filled wholly or partially, or cause or allow Water to collect therein to any Extent, after the Day on which the First Penalty is incurred.

Inspection by Board of Trade.

6. As soon as conveniently may be after the Receipt of any such Notice, the Board of Trade shall cause the Reservoir to which it relates to be inspected, and a Report in Writing stating the Results of the Inspection, and the Inspector's Opinion and the Grounds thereof, shall be made to the Board of Trade, and a Copy thereof shall be delivered by the Board of Trade to the Owners of the Reservoir.

Limitation of Time for Inspection after Notice.

7. If in any Case the Inspection is not commenced within Fourteen Days, or a Copy of some Report of the Inspector is not delivered to

to the Owners of the Reservoir within Two Months, after the Receipt by the Board of Trade of such Notice, the Owners shall be at liberty to fill the Reservoir as if this Act had not been passed.

If Danger not reported, no Restriction on filling.

8. If in any Case the Inspector's Report does not state that in his Opinion the filling of the Reservoir wholly or partially (as the Case may be) would be attended with Danger to the Public, the Owners shall be at liberty to fill the Reservoir as if this Act had not been passed, and notwithstanding that the Period of One Month after the giving of Notice by them to the Board of Trade is not expired (in case a Copy of the Report is delivered to the Owners within that Month).

If Danger reported, Reservoir not to be filled.

9. If in any Case the Inspector's Report states that in his Opinion the filling of the Reservoir wholly or partially (as the Case may be) would be attended with Danger to the Public, the Board of Trade may, if they think fit, certify to the Effect that the Reservoir ought not to be filled wholly or partially (as the Case may be), and deliver the Certificate to the Owners, and thereupon it shall not be lawful for the Owners to fill the Reservoir wholly or partially, or to cause or allow Water to collect therein to any Extent.

Penalty for filling in that Case.

10. If the Owners of the Reservoir nevertheless proceed to fill it wholly or partially, or cause or allow Water to collect therein to any Extent, they shall be liable to a Penalty not exceeding Five hundred Pounds, and to a further Penalty not exceeding One hundred Pounds for every Day during which they keep the Reservoir filled wholly or partially, or cause or allow Water to collect therein to any Extent, after the Day on which the First Penalty is incurred, without Prejudice to any other Proceeding or Remedy against them.

Renewal of Application to Board of Trade.

11. If at any Time after such a Certificate of the Board of Trade the Owners of the Reservoir to which the Report relates are desirous of filling it wholly or partially, they may again give Notice in Writing to the Board of Trade that the Reservoir is ready for filling wholly or partially (as the Case may be), and the Provisions of this Act shall have Effect in relation to that Notice in like Manner as in relation to the First Notice, and as if the Certificate had not been given, and so toties quoties.

Filling for Purposes of Construction or Inspection.

12. Nothing in this Act shall be taken to prohibit the Owners of a Reservoir from causing or allowing Water to collect therein, as far as may be found unavoidable or requisite during or for the Purposes of the Construction or testing thereof, or to prevent the filling of a Reservoir wholly or partially for the Purposes of the Inspection thereof.

Owners to defray Expenses of Inspection.

13. The Owners of the Reservoir shall be liable to pay on Demand all Expenses incurred by or under the Direction or Authority of the Board of Trade in or about any such Inspection, and the Amount thereof as and when demanded shall be a Debt due from the Owners to the Crown, and be recoverable accordingly, with Costs, or the same may be recovered, with Costs, as a Penalty is recoverable from the Owners under their Special Act (if any).

Additional Lands.

Application to Board of Trade for Certificate.

14. If in consequence of the Result of any Inspection or otherwise the Owners of any Reservoir or other Waterwork authorized by Special Act are desirous of obtaining Power to take additional Lands for either of the following Purposes, namely,—for the Purpose of giving increased Width to any Embankment (whether completed or in course of Construction) of or connected with that Reservoir or Work, or for the Purpose of executing Works with a view to the Repair or increased Stability thereof, or to the Prevention of any Accident apprehended thereto, then and in every such Case they may apply to the Board of Trade for a Certificate to authorize them to take those Lands.

Notice to Parties interested.

15. Where the Owners intend to apply to the Board of Trade for such a Certificate they shall, Fourteen Days at least before making the Application, serve Notice of their Intention to make the same on the Persons who under the Lands Clauses Acts are interested in or entitled to sell the Lands proposed to be taken, in the Manner in which Notices required to be served by the Promoters of an Undertaking on the like Persons are by the Lands Clauses Acts directed to be served, stating in the Notice the Particulars of the Lands proposed to be taken.

Opposition by Party interested.

16. If any Person so served with Notice applies to the Board of Trade within the said Period of Fourteen Days to be heard against the Certificate he shall be heard before the Certificate is given.

Certificate of Board of Trade.

17. If it is shown to the Satisfaction of the Board of Trade that the public Safety requires that additional Lands be taken by the Owners of the Reservoir or Work for either of the Purposes aforesaid, and that the Owners have duly served the Notices required by this Act, and any further Notice which the Board of Trade think fit to require them to serve on any Person interested in Lands adjacent to those proposed to be taken, or in any Lands or Waters likely to be affected by the proposed Works, the Board of Trade shall, unless there appears good Cause to the contrary, certify accordingly.

18. Under

Owners may take Lands under the Certificate.

18. Under and by virtue of any such Certificate, and subject and according to the Provisions of the Lands Clauses Acts (which Acts are hereby incorporated with this Act, and for the Purposes of which Acts this Act and the Certificate together shall be deemed the Special Act), and within the Time and under the Conditions prescribed in the Certificate, the Owners of the Reservoir or Work may enter on, take, and use all or any Part of the Lands specified in the Certificate.

Costs of Opposition where successful.

19. Where the Certificate is refused the Owners of the Reservoir or Work shall, if required by the Board of Trade, pay to any Person resisting their Application the Expenses incurred by him in that Behalf, the Amount thereof to be determined by the Board of Trade, or by some Person appointed for that Purpose by the Board of Trade, and the Amount shall be recoverable by the Complainant by Proceedings in any Court of competent Jurisdiction.

Power for Owners to raise additional Money on Certificate of Board of Trade.

20. If in any such Case it is shown to the Satisfaction of the Board of Trade that, in order that the Owners of the Reservoir or Work may be enabled to acquire additional Lands, it is necessary or expedient that they be authorized to raise additional Money, the Board of Trade may, if they think fit, certify accordingly, and thereupon the Owners shall be, by virtue of this Act and the Certificate, empowered to raise additional Money to the Amount and in the Manner and subject and according to the Restrictions and Provisions in the Certificate expressed and contained, as effectually as if they had obtained a further special Act of Parliament conferring on them the like Powers.

Inspection of dangerous Reservoirs by Board of Trade.

On Complaint, Board of Trade to inspect.

21. If any Person complains to the Board of Trade that a Reservoir is in a dangerous State, the Board of Trade, unless there appears good Cause to the contrary, shall with all convenient Speed cause the Reservoir to be inspected.

Every such Complaint shall be in Writing, and a Copy thereof shall be delivered by the Complainant to the Owners of the Reservoir not later than the Time when the Complaint is made to the Board of Trade.

Where the Board of Trade direct an Inspection they shall cause Notice thereof in Writing to be given to the Owners of the Reservoir.

Power for Board of Trade to inspect without Complaint.

22. The Board of Trade, if at any Time it seems to them expedient with a view to the public Safety, without Complaint by any Person, may proceed as if a Complaint had been made to them.

 23. If

If imminent Danger reported, Power for Board of Trade to direct Repairs, &c.

23. If the Inspector reports to the Board of Trade that the Reservoir is in a dangerous State and that the Danger is imminent, and the Owners of the Reservoir do not show to the Satisfaction of the Board of Trade that such Things as to the Board of Trade seem requisite and proper for obviating the Danger will be forthwith done by the Owners, then the Board of Trade may, if they think fit, direct some fit Person to enter on the Property of the Owners of the Reservoir, and to lower the Water in the Reservoir, and to do such Things as to the Board of Trade seem requisite and proper for obviating the Danger.

If Danger reported, but not imminent, Notice to Owners to repair, &c.

24. If the Inspector reports to the Board of Trade that the Reservoir is in a dangerous State but that the Danger is not imminent, the Board of Trade may give Notice thereof in Writing to the Owners of the Reservoir, and require them, within such Time as to the Board of Trade seems reasonable and as is specified in the Notice, to lower the Water in the Reservoir, and to execute and do all such Works and Things as to the Board of Trade seem requisite and proper for obviating the Danger, the same to be indicated in the Notice.

On Failure of Owners, Board of Trade to direct Repairs, &c.

25. If the Owners fail to execute or do within the prescribed Time any such Work or Thing, the Board of Trade, on being satisfied of such Failure, may direct some fit Person to enter on the Property of the Owners and to lower the Water in the Reservoir, and to execute and do all such Works and Things as to the Board of Trade seem requisite and proper for obviating the Danger.

If Complaint unfounded, Power to direct Complainant to pay Expenses, &c.

26. If in any Case where the Board of Trade proceed on a Complaint made it appears to the Board of Trade, and they accordingly certify, that there was no sufficient Ground for the Complaint, the Complainant shall pay to the Board of Trade any Expenses incurred by or under the Direction of the Board of Trade in consequence of the Complaint, and also shall pay to the Owners of the Reservoir the whole or Part of their Costs of or incident to the Complaint, as the Board of Trade direct.

Recovery of Expenses from Complainant.

27. The Amount of Expenses payable to the Board of Trade by the Complainant shall be a Debt due from him to the Crown, and be recoverable accordingly with Costs.

Recovery of Costs of Owners from Complainant.

28. The Amount of any Costs directed by the Board of Trade to be paid by the Complainant to the Owners shall be recoverable by the Owners from the Complainant by Proceedings in any Court of competent Jurisdiction.

29. Subject

Payment of Expenses and Costs by Owners.

29. Subject to the foregoing Provisions, the Owners shall be liable to pay on Demand all Expenses incurred by or under the Direction or Authority of the Board of Trade in or about or in consequence of any such Inspection, and the Amount thereof, as and when demanded, shall be a Debt due from the Owners to the Crown, and be recoverable accordingly, with Costs, or the same may be recovered with Costs as a Penalty is recoverable from the Owners under their Special Act (if any).

Inspection of dangerous Reservoirs by Justices or Sheriff.

Power for Justices, &c. to inquire into Danger from Reservoir.

30. If any Person complains in England or Ireland to a Justice, or in Scotland to the Sheriff, that a Reservoir is in a dangerous State, that Justice, in conjunction with another Justice, or the Sheriff (as the Case may be), shall forthwith make Inquiry into the Truth of the Complaint, with the Assistance of some competent and impartial Engineer, who, in England or Scotland, shall be an Officer of the Royal Engineers or a Member of the Institution of Civil Engineers, and, in Ireland, shall be an Engineer approved in this Behalf by the Commissioners of Public Works.

Every such Complaint shall be in Writing, signed by and stating the Place of Abode of the Complainant, and a Copy thereof shall be forthwith sent under Direction of the Justice or Sheriff to whom the Complaint is made to the Owners of the Reservoir.

Power for Justices, &c. to inquire without Complaint.

31. In England or Ireland Two Justices and in Scotland the Sheriff, on their or his own View, with the Assistance of some competent and impartial Engineer (qualified or approved as aforesaid), and without Complaint by any Person, may proceed as if a Complaint had been made to them or him, sending, as soon as practicable, Notice in Writing to the Owners of the Reservoir of the Intention to make the View.

Order of Justices &c. for immediate Repair.

32. If on such Inquiry or View the Justices or Sheriff are or is satisfied that the Reservoir is in a dangerous State and that the Danger is imminent, they or he shall cause Notice thereof to be given to the Owners, and if the Owners do not show to the Satisfaction of the Justices or Sheriff that such Things as to the Justices or Sheriff seem urgently requisite for obviating the Danger will be forthwith done by the Owners, then the Justices or Sheriff shall, unless there appears good Cause to the contrary, order some fit Person to enter on the Property of the Owners, and to do such Things as to the Justices or Sheriff seem urgently requisite for obviating the Danger; and the Justices or Sheriff shall, within Twelve Hours after making such Order, send Information

mation thereof to One of Her Majesty's Principal Secretaries of State (in this Act referred to as the Secretary of State).

Report of Justices, &c. to Secretary of State.

33. If on such Inquiry or View the Justices or Sheriff are or is satisfied that the Reservoir is in a dangerous State, but that the Danger is not imminent, they or he shall cause Notice thereof to be given to the Owners of the Reservoir, and shall send Information thereof to the Secretary of State.

Board of Trade to proceed on Communication from Secretary of State.

34. If in any such Case the Information sent to the Secretary of State is communicated by him to the Board of Trade, the Board of Trade shall proceed as if a Complaint had been made to them as aforesaid, and the foregoing Provisions of this Act shall extend and apply to the Case accordingly.

Justices, &c. not to act pending Proceedings by Board of Trade.

35. A Justice or Sheriff shall not entertain a Complaint relative to a Reservoir if it is shown to him that Proceedings before or by the Board of Trade in respect of the Reservoir are pending.

If Complaint unfounded, Complainant liable to Costs.

36. If in any Case where a Complaint is made it appears to the Justices or Sheriff that there was no sufficient Ground for the Complaint, and it is so certified by them or him in Writing signed by them or him, the Complainant shall be liable to pay to the Owners their Costs of and incident to the Complaint, and the same shall be recoverable from him by the Owners by Proceedings in any Court of competent Jurisdiction.

Expenses of Proceedings of Justices, &c.

37. The Owners shall be liable to pay on Demand all Expenses incurred under the Direction of Justices or a Sheriff in pursuance of this Act, and the same shall be recoverable from the Owners by Proceedings in any Court of competent Jurisdiction.

Execution of Directions, &c.

Protection of Persons executing Directions of Board of Trade, &c.

38. Any Person acting under any Direction of the Board of Trade, or Order of Justices or Sheriff, under this Act, shall not be deemed a Trespasser; and if any Person wilfully obstructs any Person so acting, or wilfully does or instigates or suffers to be done anything in contravention of any such Direction or Order, he shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

Owners not responsible for Diminution of Supply, &c.

39. Notwithstanding anything in any other Act or in any Agreement, the Owners of a Reservoir shall not be liable to pay any Damages, Penalties, Costs, Charges, or Expenses for or in respect of any Diminution or Cessation of a Supply of Water or any other Breach

Breach or Nonperformance of any of their Duties or Obligations relative to a Supply of Water, occasioned by or resulting from the Execution of any Order of Justices or a Sheriff under this Act, unless such Order has been made necessary by the wilful Neglect or Default of the Owners.

Temporary Occupation of adjoining Lands.

In case of Accident Board of Trade may authorize temporary Occupation of adjoining Lands.

40. In case of any Accident happening or being apprehended to any Reservoir or other Waterwork authorized by Special Act, the Board of Trade may authorize the Owners thereof, or any Person acting under a Direction of the Board of Trade by virtue of any of the Provisions of this Act, to enter on and occupy temporarily any Lands adjoining thereto for the Purpose of repairing the same or preventing the Occurrence of such Accident (as the Case may be), and to execute Works necessary for that Purpose.

All Works so executed shall be as little injurious to the Lands entered on as the Circumstances admit, and shall be executed with all possible Despatch.

Full Compensation shall be made to all Persons sustaining Damage by reason of the Exercise of the Powers of this Section, the Title to and Amount and Application of such Compensation if disputed to be determined in manner provided by the Lands Clauses Acts for Determination of the Title to and Amount and Application of Compensation for Lands injuriously affected, and the Amount thereof to be paid by the Owners and to be recoverable from them as Compensation under the Lands Clauses Acts for Lands injuriously affected is paid and recoverable.

Power for Owners in case of Urgency to enter on adjoining Lands.

41. In case of great Urgency the Owners of such a Reservoir or other Waterwork may enter on such adjoining Lands and execute such Works as aforesaid without having previously obtained from the Board of Trade Authority to do so; but in every such Case the Owners shall, within Forty-eight Hours after so entering, make a Report to the Board of Trade specifying the Nature of the Accident or apprehended Accident and of the requisite Works; and if the Board of Trade, after considering the Report, certify their Opinion that the Exercise by the Owners of the Powers of this Section are not necessary for the public Safety, then those Powers shall absolutely cease to be exercised by the Owners.

The Provisions of the last foregoing Section respecting the Execution of Works and the Payment of Compensation shall be deemed to extend to the Case provided for by the present Section.

Liability of Owners of Waterworks.

Liability of Owners for Damages by Flood or Leakage.

42. The Owners of a Reservoir shall be liable to make good from Time to Time to Owners, Lessees, and Occupiers of Lands and all other Persons all Damage of what Nature or Kind soever, as well immediate as consequential, incurred by those Owners, Lessees, Occupiers, or other Persons, by reason or in consequence of any Flood or Escape of Water caused by any Failure, giving way, or Defect of that Reservoir or of any of the Works connected therewith; and it shall not be necessary in any such Case for any Person to show Negligence on the Part of the Owners of the Reservoir, in order to establish his Title to Damages by reason or in consequence of any such Flood or Escape of Water; but nothing in this Section shall affect the Liability of the Owners of a Reservoir constructed under the Authority of a Special Act passed in any Session of Parliament previous to the present Session, or completed before the passing of this Act.

Liability of Owners for Damages by Pollution of Stream.

43. The Owners of a Reservoir or Waterwork shall be liable to make good from Time to Time to all Persons entitled to the Use or Enjoyment of any Stream of Water running from or below such Reservoir or Work all Damage, as well immediate as consequential, incurred by those Persons by reason or in consequence of the fouling or Pollution of such Stream caused in the Construction, Alteration, or Repair of such Reservoir or Work.

General Provisions.

Recovery of Penalties.

44. The Provisions respecting the Recovery of Penalties contained in The Waterworks Clauses Act, 1847, are hereby incorporated with this Act; and the Term "Undertakers" therein used shall, for the Purposes of this Act, mean Owners as defined in this Act; but any Penalties on Owners under this Act shall be recoverable only under the Authority of the Board of Trade, and Penalties so recovered shall belong to the Crown.

Power for Board of Trade to require Plans, &c.

45. For the Purposes of this Act, the Board of Trade may from Time to Time require the Owners of any Reservoir or Waterwork to deliver and give to the Board of Trade, or any Inspector or Person acting under their Direction, such Plans, Sections, Drawings, Documents, and Information as the Board of Trade think requisite, with a view to the proper Execution of the Duties imposed by this Act on the Board of Trade; and the Owners shall deliver and give the same accordingly.

Forms of Orders, &c.

46. Any Order, Certificate, or other Instrument made by the Board of Trade under this Act shall be signed by One of the Secretaries or Assistant Secretaries of the Board.

Any

Any Order of Justices under this Act shall be in Writing under their Hands, and may be in the Form given in the Schedule to this Act, or to the like Effect, with such Modifications or Additions as Circumstances require.

Service of Notices, &c. on Owners.

47. Any Notice, Certificate, or other Document by this Act required to be given, sent, or delivered to the Owners of a Reservoir or Work may be given, sent, or delivered for them to any Person in charge of the Reservoir or Work, or to or at any Office or Place of Business or Abode of the Owners, or in case there is no Person so in charge, or in case no such Office or Place of Business or Abode is known to the Authority or Person by whom the Notice, Certificate, or other Document is to be given, sent, or delivered, then the same may be given, sent, or delivered by being affixed to some Part of the Reservoir or Work.

Repeal of 26 & 27 Vict. c. 93. ss. 3–11.

48. As from the End of the present Session of Parliament Sections Three to Eleven, both inclusive, of The Waterworks Clauses Act, 1863, shall be and the same are hereby repealed; but this Repeal shall not affect the Construction of any Special Act of the present or any previous Session incorporating those Sections or any of them.

SCHEDULE.

Form of Order of Justices.

To *A.B.* of &c.

We, the undersigned, Two of Her Majesty's Justices of the Peace acting for the [*County*] of do hereby order you and such Person or Persons as you require to aid you herein forthwith to [*here describe the Reservoir, and the Things which seem to the Justices urgently requisite for obviating the Danger*]; and you shall do as little Injury as possible to the Property of the Owners of the said Reservoir; and for acting as you are hereby directed this shall be your sufficient Warrant.

Given under our Hands this Day of 18 .

A.B.
C.D.

Waterworks.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To make better Provision for the Security of Reservoirs, and otherwise to amend the Law relating to Waterworks.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Monsell.*)

Ordered, by The House of Commons, *to be Printed*, 18 *June* 1866.

[Bill 195.]

Under 2 oz.

A

B I L L

TO

Improve the System of Registration of Writs relating to Land in Scotland, and to amend the Law relating to Inhibitions and Adjudications.

WHEREAS it is expedient to amend the System of Registration of Writs relating to Lands and Heritages in Scotland, to lessen the Number of Registers, and to facilitate Searches thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as "The Land Registers (Scotland) Act, 1866." Short Title of Act.

2. The General Register of Sasines for Scotland shall be so kept that the Writs applicable to each County shall be entered in a separate Series of Presentment Books, and minuted in a separate Series of Minute Books, and engrossed in a separate Series of Register Volumes; and where any Writ shall contain Land in more than One County, such Writ shall be entered by the Ingiver in the Presentment Book of each County, and shall be minuted in the Minute Book of each County to which such Writ applies, and shall be engrossed at length in the Division of the Register applicable to One only of the said Counties; and a Memorandum shall In General Register of Sasines, Writs of each County to be kept separate.

shall be entered in each Division of the Register applicable to the other County or Counties to which such Writ applies, and in the Presentment Book of which it is entered as aforesaid, setting forth the Volume of the Register, and the Folio or Folios of such Volume in which such Engrossment is made, and such Memorandum shall be deemed to be equivalent to full Engrossment of such Writ in the Division of the Register wherein such Memorandum shall be entered as aforesaid; and, for the Purpose of this Act, the Barony and Regality of Glasgow, and also the Stewartry of Kirkcudbright, shall each be treated as a County.

Writs applicable to more than One County may be registered in each successively.

3. Provided always, That where any Writ containing Lands or Heritages in more than One County shall not have been presented, minuted, and engrossed in all the Divisions to which it applies of the Register, the Registration of such Writ shall, notwithstanding, as regards the County or Counties in the Division or Divisions applicable to which it has been presented, minuted, and engrossed as aforesaid, be effectual, and it shall be competent afterwards to present, minute, and engross such Writ in any other Division of the Register to which such Writ applies; and such subsequent Registration shall be effectual, as regards the County to which such other Division of the Register is applicable, of and from the Date of such subsequent Registration.

Registration how to be made, &c.

4. Registration of Writs in the General Register of Sasines shall, except in so far as altered by the Provisions of this Act, continue to be made in conformity with the Practice heretofore in use; and no Error or Omission in any Presentment Book of the General Register of Sasines, to be kept as aforesaid, shall invalidate or in any way affect injuriously the Registration of any Writ recorded in said Register.

Provision for Writs transmitted by Post to General Register of Sasines.

5. Where any Writ shall be transmitted by Post for Registration in the General Register of Sasines, the Keeper of said Register shall, upon the Receipt of such Writ, cause the same to be presented in Terms of the Instructions accompanying it by a Clerk in his Office to be appointed by him for that Purpose; and such Clerk shall attach to his Signature in the Presentment Book the Words "transmitted by," and thereafter the Name of the Sender; and such Writ shall be recorded in the same Manner as any other Writ presented for Registration, and on the Writ being ready for Delivery, Intimation to that Effect shall be made by Post to the Sender; and where Two or more Writs transmitted by Post shall be received by the Keeper at the same Time, the Entries thereof in the Presentment Book and Minute Book shall be of the same Year, Month, Day, and Hour,

Hour, and such Writs shall be deemed and taken to be presented and registered contemporaneously.

Particular Register of Sasines abolished.

6. The whole Particular Registers of Sasines in Scotland shall be discontinued not later than the *Thirty-first Day of December One thousand eight hundred and sixty-seven;* and it shall be competent to the Lord Clerk Register of Scotland from Time to Time, upon the Application of the Keeper of the General Register of Sasines, to order the Discontinuance of any Particular Register of Sasines, and the Lord Clerk Register shall cause such Order, signed by him, to be recorded in the General Register of Sasines, and a Copy of such Order, also signed by him, to be transmitted to the Keeper of the Particular Register of Sasines to which it applies, and shall cause such Order to be advertised in the Edinburgh Gazette, and in any Newspaper or Newspapers he may deem proper; and such Order shall specify the Day, not being less than *One Calendar Month* after the Date of such Publication in the Edinburgh Gazette, from and after which such Particular Register is to be discontinued; and after the Date so to be specified in any such Order as regards the Particular Register to which such Order shall apply, and after the said *Thirty-first Day of December One thousand eight hundred and sixty-seven* as regards all other Particular Registers, it shall not be competent to present, or for the Keeper of the said Particular Register to receive, any Writ for Registration therein; and all Writs which, previous to the Discontinuance of the said Particular Registers respectively, might competently have been presented for Registration therein, shall after said Discontinuance be registrable only in the General Register of Sasines; and Registration in the General Register of Sasines shall have all the Force and Effect previously attached to Registration in such Particular Registers of Sasines respectively.

Printed Abridgments, &c. and Indexes to be prepared contemporaneously with Record.

7. Printed Abridgments and printed Indexes, both of Persons and Places, applicable to each County in Scotland, in the Form heretofore in use in the General Register House, or in such other Form as may from Time to Time be prescribed by the Lord Clerk Register, shall, from and after the Discontinuance of all the Particular Registers of Sasines directed to be discontinued as aforesaid, be prepared under the Superintendence of the Keeper of the General Register of Sasines, and as nearly as possible contemporaneously with the Minute Books and Volumes of the Register, and such Indexes shall be consolidated from Time to Time for such Periods as may be deemed expedient: Provided always, that it shall be lawful at any Time for the Lord Clerk Register, if he shall think fit, to direct that Abridgments shall cease to be prepared

separately from the Minutes, and in that Case the Minutes shall be printed under the Superintendence of the Keeper of the General Register of Sasines, in lieu of printing such Abridgments.

Printed Abridgments, &c., and Indexes to be transmitted to Counties.

8. The Keeper of the General Register of Sasines shall transmit the said printed Abridgments, or printed Minutes and Indexes, from Time to Time as the same are prepared, to the Department of the Lord Clerk Register; and the Lord Clerk Register shall at the End of each Year, or as soon thereafter as the same shall be prepared and transmitted to his Department, furnish to the Sheriff Clerk of each County a printed Copy of the Abridgments or Minutes and Indexes for such County applicable to such preceding Year, and shall also furnish to each such Sheriff Clerk, as soon as prepared and transmitted to his Department as aforesaid, a printed Copy of each consolidated Index applicable to such County; and such Abridgments or Minutes and Indexes so furnished to the Sheriff Clerks shall be made patent by them to the Public on Payment of such reasonable Fees as may be fixed by the Lord Clerk Register with the Sanction of the Court of Session, which Fees shall be accounted for by the Sheriff Clerks to the Lord Clerk Register as Part of the Fees of his Department.

Registration in General Register of Sasines equivalent in certain Cases to Registration in the Books of Council and Session.

9. It shall not be necessary to register in the Books of Council and Session for the Purpose of Preservation, or of Preservation and Execution, any Writ competent to be registered in the General Register of Sasines, and which shall have been so registered, and such Writ being registered in the said Register of Sasines shall be held to be registered also in the Books of Council and Session for Preservation, or for Preservation and Execution, as the Case may be; and such Writ, when presented for Registration in the said Register of Sasines, shall have a Warrant of Registration written thereon, in or as nearly as may be in the Form of Schedule (A.) to this Act annexed, specifying that the Writ is to be registered for Preservation, or for Preservation and Execution, as well as for Publication, and signed by the Person in whose Behalf the Writ is presented or his Agent; and the Writ, with such Warrant, being so registered in the said Register Sasines, shall not be re-delivered to the Ingiver, but an Extract only (containing as Part of said Extract, where the Writ is registered for Execution, a Warrant for Execution) shall be delivered, which Extract may be issued without abiding the actual booking in the Register, and shall be in the Form, as nearly as may be, of the Schedule (B.) to this Act annexed; and the Writs themselves, after having been engrossed in the General Register of Sasines in Terms of Law, shall be periodically transmitted by the Keeper of the said Register of Sasines to the Lord

Lord Clerk Register or his Deputies, and through the Office of the Keeper of the Register of Deeds and Probative Writs and Protests in the Books of Council and Session, or otherwise, as the Lord Clerk Register shall prescribe, and shall be indexed, either separately, or along with other Writs registered in the Books of Council and Session, as the Lord Clerk Register may direct; and such Registration in the General Register of Sasines shall have all the legal Effects of Registration in the Books of Council and Session for Preservation, or for Preservation and Execution, as the Case may be, as well as of Registration in the General Register of Sasines: Provided always, that no Writ shall be held to be registered for the Purpose of Execution which does not contain a Procuratory for Registration, or Clause of Consent to Registration, for the Purpose of Execution, in the Body of the Writ; and such Extracts as aforesaid, One or more, of all Writs so registered in the said Register of Sasines may be issued at any Time by the Keeper of the said Register of Sasines, or, after Transmission as aforesaid, by the Deputy Keeper of the Records, or by any one having their Authority respectively; and all such Extracts, and the Warrants of Execution therein contained, shall have all the like Force and Effect as any Extract from the Books of Council and Session, or as any Warrant of Execution contained in or appended to such Extract, or as any Extract from the General Register of Sasines, according to the existing Law and Practice; and such Extracts, in Terms of this Act, shall be equivalent to the registered Writs themselves, except where any Writ so registered shall be offered to be improven.

No higher Fees to be chargeable for Writs registered for Preservation and Execution as well as Publication.

10. No Fees shall be chargeable at the Office of the Keeper of the Register of Deeds and Probative Writs and Protests in the Books of Council and Session in respect of any Writs registered in the General Register of Sasines for Preservation, or for Preservation and Execution, as well as for Publication, in Terms of this Act; and the Fees to be charged in respect thereof, and of the Extract given out at the Time of Registration at the Office of the General Register of Sasines, shall be the same, with the Addition only of any Outlay for the Writing and Stamps of such Extract, as would have been chargeable if the Writ had been registered for Publication only.

Registered Writs to be authenticated.

11. The Certificate of Registration on every Writ that shall be registered in the General Register of Sasines and re-delivered to the Ingiver shall be signed by the Keeper of said Register, or a Deputy duly commissioned by him to that Effect; and no further Signature in order to or in token of such Registration shall be

necessary to any Writ presented for Registration in the General Register of Sasines, but every such Writ shall, in token of such Registration, be impressed with an Office Seal or Stamp to be kept in the said General Register of Sasines.

Writs containing Description by reference to prior registered Writ, to specify Volume and Folio of Register in which prior Writ engrossed.

12. Every Conveyance, Discharge, or other Deed or Instrument, which shall refer, as allowed by the Thirty-fourth Section of the Titles to Land (Scotland) Act, 1860, to a particular Description contained in a prior Conveyance, Discharge, or other Deed or Instrument recorded in a Register of Sasines, shall specify the Book or Volume of such Register, and the Folio or Folios of such Book or Volume in which such prior Conveyance, Discharge, or other Deed or Instrument is engrossed.

Court of Session may cause Tailzies to be registered for Preservation.

13. It shall be competent to any Institute, Heir of Entail, Trustee, or other Person interested in any Tailzie, to apply to the Court of Session for Warrant to register such Tailzie in the Books of Council and Session for Preservation, as well as in the Register of Tailzies for Publication, where not previously so registered; and it shall be lawful for the Court, under such Application, to cause such Registration to be made at the Expense of the Applicant, or of the Institute or Heir of Entail in possession, as the Court shall direct, and with a view to such Registration to order Production of such Tailzie or grant Diligence for its Recovery.

Register of Interruptions of Prescriptions to be discontinued as a separate Record.

14. The Register of Interruptions of Prescriptions shall be discontinued as a separate Record, and all Writs appropriate thereto may be presented and registered in the General Register of Sasines, in the same Manner as any other Writs appropriate to said General Register of Sasines; and Registration thereof in the General Register of Sasines shall have all the like Force and Effect as Registration in the Register of Interruptions of Prescriptions previous to the passing of this Act.

Particular Registers of Inhibitions abolished.

15. The Particular Registers of Inhibitions and Interdictions throughout Scotland shall be discontinued, and all Writs at present appropriate to those Registers, or any of them, shall be registrable only in the General Register of Inhibitions, which shall be the only competent Register for the Registration of Inhibitions and Interdictions; and no Publication whatever of such Writs, other than Registration in said General Register of Inhibitions, shall in future be necessary, but such Registration shall for all Purposes whatsoever have all the legal Effect of the Publication at present in use.

16. The

General Register of Inhibitions and Register of Adjudications to be treated as One Register.

16. The Keeper of the General Register of Hornings, Inhibitions, and Adjudications shall keep only One Minute Book for Inhibitions and Adjudications, and shall frame only One Index applicable to all Inhibitions and Adjudications recorded in his Office; and such Minute Book and Index shall be in such Form as may be prescribed by the Lord Clerk Register.

Particular Registers of Hornings, &c. not to be affected.

17. The Particular Registers of Hornings and Expired Charges shall be continued as at the Date of the passing of this Act: Provided always, that where any such Register has been heretofore kept as a joint Register of Hornings and Inhibitions, it shall cease to be a competent Register for the Registration of Inhibitions.

Inhibitions to take effect from Date of Registration of Notice, &c.

18. It shall be competent, before or after Execution of any Inhibition, to register in the General Register of Inhibitions a Notice thereof, setting forth the Names and Designations of the Persons by and against whom the same is raised, and the Date of signeting the same, in the Form, as nearly as may be, of the Schedule (C.) to this Act annexed; and where an Inhibition and the Execution thereof shall be duly registered in the General Register of Inhibitions not later than Twenty-one Days from the Date of the Registration therein of such Notice thereof, such Inhibition shall take effect from the Date when such Notice was registered as aforesaid, but otherwise only from the Date of the Registration of such Inhibition and the Execution thereof; and no Inhibition shall have any effect against any Act or Deed done, committed, or executed prior to the Registration of such Notice thereof, or of such Inhibition and the Execution thereof, as the Case may be.

Short Form of Letters of Inhibition.

19. Letters of Inhibition may be in the Form, as nearly as may be, of the Schedule (D.) to this Act annexed; and Letters of Inhibition in such Form shall have all the like Force and Effect as Letters of Inhibition in the Form in use at the passing of this Act.

Adjudications to receive effect from Date of Registration of Notice, &c.

20. It shall be competent to register in the Register of Adjudications a Notice of any signeted Summons of Adjudication for Debts or in Security, setting forth the Names and Designations of the Pursuer and Defender, and the Date of signeting the same, in the Form, as nearly as may be, of the Schedule (E.) to this Act annexed; and no Summons of Adjudication shall have any effect in rendering litigious the Lands and Heritages therein contained, except from and after the Date of the Registration of such Notice.

Provision as to Official Searchers.

21. The Lords Commissioners of Her Majesty's Treasury shall have Power, upon the Application from Time to Time of the Lord Clerk Register, to regulate the Number of Official Searchers of the Records, and to grant to such Searchers such Remuneration out of Funds to be provided by Parliament for that Purpose as their Lordships shall deem fit; and it shall be competent to any one ordering a Search to select any One of the Official Searchers for the Time being whom he may prefer to make the same.

Reduction of Fees of Registration, &c.

22. It shall be competent to the Lord Clerk Register from Time to Time, after the Discontinuance of all the Particular Registers of Sasines in Terms of this Act, to make Application to the Lord President of the Court of Session, the Lord Advocate, and the Lord Justice Clerk, all for the Time being, to reduce or regulate, and alter or vary, all or any of the Fees drawn for the Time in the General Register House at Edinburgh; and the Lord President, Lord Advocate, and Lord Justice Clerk may, upon each such Application, reduce or regulate the said Fees, or alter and vary the same or any of them.

Establishment of General Register of Sasines and Inhibitions to be regulated.

23. It shall be lawful for the Lords Commissioners of Her Majesty's Treasury, upon the Application of the Lord Clerk Register, to regulate from Time to Time the Offices of the General Register of Sasines, and of the General Register of Hornings, Inhibitions, and Adjudications under this Act, and to sanction such increased Establishment of Deputies, Assistants, Clerks or other Officers as may be necessary for the Purposes hereof, and to fix the Salaries and Remuneration to be allowed to the Officers of the said Departments respectively; and such Salaries and Remuneration shall be payable out of Funds to be provided by Parliament for that Purpose.

Remuneration to Sheriff Clerks.

24. It shall be competent to the Lords Commissioners of Her Majesty's Treasury to direct reasonable Allowances for Trouble to be paid to Sheriff Clerks out of any Fees to be collected by them under this Act.

Deficiency, if any, in Revenues of Register of Deeds to be made up by Surplus in Register of Sasines.

25. If in any Year the Fees of the Register of Deeds and Probative Writs and Protests in the Books of Council and Session shall be insufficient to defray the Salaries and Expenditure thereof, such Deficiency shall be made up from the surplus Revenues of the General Register of Sasines.

Compensation Clause.

26. It shall be competent for every Keeper of any Register whose Office shall be discontinued under the Provisions of this Act to apply

apply to the Lords Commissioners of Her Majesty's Treasury, who may, on Proof to their Satisfaction of the average Amount of the Emoluments received by such Keeper, after defraying the Expenses of his Establishment, and to which he was personally entitled under the present System of Registration, to award to him such Compensation as the said Commissioners shall deem just; and such Compensation shall be payable out of any surplus Fees of the Department to which it relates, or out of any other Funds to be provided by Parliament for that Purpose.

Lord Clerk Register may act by his Deputy.

27. Anything by this Act authorized or directed to be done by the Lord Clerk Register may be done by any Deputy whom he may appoint in virtue of any Power conferred upon him to make such Appointment.

Act not to extend to Burgh Registers.

28. This Act shall not extend or apply to Burgh Registers of Sasines.

Commencement of Act.

29. This Act shall take effect from and after the *First Day* of *October One thousand eight hundred and sixty-six.*

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

WARRANT of REGISTRATION on a WRIT to be REGISTERED for PRESERVATION, or PESERVATION and EXECUTION, as well as PUBLICATION.

Register on behalf of *A.B.* [*insert Designation*] for Preservation [*or* Preservation and Execution], as well as Publication.

(Signed) *A.B.*
[*or*] *C.D.*, W.S., Edinburgh,
Agent of the said A.B.
[*or as the Case may be.*]

SCHEDULE (B.)

EXTRACT of DEED, containing WARRANT of EXECUTION.

At Edinburgh, the Day of One thousand eight hundred and between the Hours of and Forenoon [*or as the Case may be*], the Writ, with Warrant of Registration thereon, herein-after engrossed, was presented by [*insert Name and Designation of Presenter*] for Registration in the General Register of Sasines for Publication, and also as in the Books of the Lords of Council and Session for Preservation [*or* for Preservation and Execution, *as the Case may be*,] and is, with said Warrant of Registration, recorded in the said Register of Sasines as follows:

[*Insert full Copy of the Deed and Warrant of Registration, and where Deed is recorded for Execution, insert Warrant for Execution as follows:*

And the said Lords grant Warrant to Messengers-at-Arms in Her Majesty's Name and Authority to charge the Party or Parties aforesaid, bounden by the foresaid Writ, personally, or at his, hér, or their respective Dwelling Place or Places if within Scotland, and if furth thereof, by delivering a Copy or Copies of Charge at the Office of the Keeper of the Record of Edictal Citations at Edinburgh, to pay, implement, and perform the whole Sum or Sums or Obligations, or any of them, specified in the said Writ, all in Terms and to the Effect therein contained; and that to the Party or Parties to whom the said Sum or Sums or Obligations are, by the Terms of said Writ, payable or undertaken, within Six [*or* Fifteen, *as the Case*

Case may be] Days if within Scotland, and if furth thereof, within Twenty-one Days next after he, she, or they are respectively charged to that Effect, under the pain of Poinding and Imprisonment, the Term or Terms of Payment being always first come and bygone; and also with Deduction of any Sum or Sums paid to Account (if any); and also grant Warrant to arrest the said Party or Parties bounden as aforesaid, his, her, or their readiest Goods, Gear, Debts, and Sums of Money in Payment and Satisfaction of the said Obligations, or any of them: And if the said Party or Parties bounden as aforesaid fail to obey the said Charge, then to poind the said Party or Parties bounden as aforesaid, his, her, or their readiest Goods, Gear, and other Effects; and if needful for effecting the said Poinding, grant Warrant to open all shut and lockfast Places in Form as effeirs]. Extracted on this and the preceding Pages by me, Keeper of the General Register of Sasines [*or* Deputy Keeper of the Records, *or other Officer duly authorized, as the Case may be.*]

(Signed) *A.B.*

SCHEDULE (C.)

Notice of Inhibition.

Notice of Letters of Inhibition.—*A.B.* [*insert Designation of the Inhibitor*] against *C.D.* [*insert Designation of the inhibited*].—Signeted [*insert Date of signeting*].

SCHEDULE (D.)

Form of Letters of Inhibition.

Victoria, &c.—To Messengers-at-Arms and others, Our Sheriffs, greeting: Whereas it is humbly shown to us by Our Lovite *A.B.* [*insert Designation*], Complainer, against *C.D.* [*insert Designation,*] that [*set forth as concisely as possible the Document on which the Inhibitor proceeds*]: Our Will is herefore, and We charge you, that ye lawfully inhibit the said *C.D.*, personally or at his Dwelling Place, if within Scotland, and if furth thereof, at the Office of the Keeper of the Record of Edictal Citations at Edinburgh, from selling or otherwise affecting his Lands or Heritages to the Prejudice of the Complainer; and that ye cause register these Our Letters in the General Register of Inhibitions at Edinburgh for Publication to Our Lieges. Given under Our Signet at Edinburgh, this Day of in the Year

SCHE-

SCHEDULE (E.)

NOTICE of SUMMONS of ADJUDICATION.

Notice of Summons of Adjudication.—*A.B.* [*insert Designation of Pursuer*] against *C.D.* [*insert Designation of Defender*].—Signeted [*insert Date of signeting*].

Writs Registration (Scotland).

A

B I L L

To improve the System of Registration of Writs relating to Land in Scotland, and to amend the Law relating to Inhibitions and Adjudications

(*Prepared and brought in by The Lord Advocate, Mr. Solicitor-General for Scotland, and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 12 *March* 1866.

[Bill 63.]

Under 2 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Improve the System of Registration of Writs relating to Land in Scotland, and to amend the Law relating to Inhibitions and Adjudications.

WHEREAS it is expedient to amend the System of Registration of Writs relating to Lands and Heritages in Scotland, to lessen the Number of Registers, and to facilitate Searches thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as "The Land Registers (Scotland) Act, 1866." Short Title of Act.

2. The General Register of Sasines for Scotland shall be so kept that the Writs applicable to each County shall be entered in a separate Series of Presentment Books, and minuted in a separate Series of Minute Books, and engrossed in a separate Series of Register Volumes; and where any Writ shall contain Land in more than One County, such Writ shall be entered by the Ingiver in the Presentment Book of each County, and shall be minuted in the Minute Book of each County to which such Writ applies, and shall be engrossed at length in the Division of the Register applicable In General Register of Sasines, Writs of each County to be kept separate.

applicable to One only of the said Counties; and a Memorandum shall be entered in each Division of the Register applicable to the other County or Counties to which such Writ applies, and in the Presentment Book of which it is entered as aforesaid, setting forth the Volume of the Register, and the Folio or Folios of such Volume in which such Engrossment is made, and such Memorandum shall be deemed to be equivalent to full Engrossment of such Writ in the Division of the Register wherein such Memorandum shall be entered as aforesaid.

Writs applicable to more than One County may be registered in each successively.

3. Provided always, That where any Writ containing Lands or Heritages in more than One County shall not have been presented, minuted, and engrossed in all the Divisions to which it applies of the Register, the Registration of such Writ shall, notwithstanding, as regards the County or Counties in the Division or Divisions applicable to which it has been presented, minuted, and engrossed as aforesaid, be effectual, and it shall be competent afterwards to present, minute, and engross such Writ in any other Division of the Register to which such Writ applies; and such subsequent Registration shall be effectual, as regards the County to which such other Division of the Register is applicable, of and from the Date of such subsequent Registration.

Registration how to be made, &c.

4. Registration of Writs in the General Register of Sasines shall, except in so far as altered by the Provisions of this Act, continue to be made in conformity with the Practice heretofore in use; and no Error or Omission in any Presentment Book of the General Register of Sasines, to be kept as aforesaid, shall invalidate or in any way affect injuriously the Registration of any Writ recorded in said Register.

Provision for Writs transmitted by Post to General Register of Sasines.

5. Where any Writ shall be transmitted by Post for Registration in the General Register of Sasines, the Keeper of said Register shall, upon the Receipt of such Writ, cause the same to be acknowledged to the Sender, and to be presented in Terms of the Instructions accompanying it by a Clerk in his Office to be appointed by him for that Purpose; and such Clerk shall attach to his Signature in the Presentment Book the Words "transmitted by," and thereafter the Name of the Sender; and such Writ shall be recorded in the same Manner as any other Writ presented for Registration, and on the Writ being ready for Delivery, Intimation to that Effect shall be made by Post to the Sender; and where Two or more Writs transmitted by Post shall be received by the Keeper at the same Time, the Entries thereof in the Presentment Book and Minute Book shall be of the same Year, Month, Day, and Hour,

Hour, and such Writs shall be deemed and taken to be presented and registered contemporaneously.

Particular Register of Sasines abolished.

6. The whole Particular Registers of Sasines in Scotland shall be discontinued not later than the Thirty-first Day of December One thousand eight hundred and sixty-eight; and it shall be competent to the Lord Clerk Register of Scotland from Time to Time, upon the Application of the Keeper of the General Register of Sasines, to order the Discontinuance of any Particular Register of Sasines, and the Lord Clerk Register shall cause such Order, signed by him, to be recorded in the General Register of Sasines, and a Copy of such Order, also signed by him, to be transmitted to the Keeper of the Particular Register of Sasines to which it applies, and shall cause such Order to be advertised in the Edinburgh Gazette, and in any Newspaper or Newspapers he may deem proper; and such Order shall specify the Day, not being less than One Calendar Month after the Date of such Publication in the Edinburgh Gazette, from and after which such Particular Register is to be discontinued; and after the Date so to be specified in any such Order as regards the Particular Register to which such Order shall apply, and after the said Thirty-first Day of December One thousand eight hundred and sixty-eight as regards all other Particular Registers, it shall not be competent to present, or for the Keeper of the said Particular Register to receive, any Writ for Registration therein; and all Writs which, previous to the Discontinuance of the said Particular Registers respectively, might competently have been presented for Registration therein, shall after said Discontinuance be registrable only in the General Register of Sasines; and Registration in the General Register of Sasines shall have all the Force and Effect previously attached to Registration in such Particular Registers of Sasines respectively.

Printed Abridgments, &c. and Indexes to be prepared contemporaneously with Record.

7. Printed Abridgments and printed Indexes, both of Persons and Places, applicable to each County in Scotland, in the Form heretofore in use in the General Register House, or in such other Form as may from Time to Time be prescribed by the Lord Clerk Register, shall, from and after the Discontinuance of all the Particular Registers of Sasines directed to be discontinued as aforesaid, be prepared under the Superintendence of the Keeper of the General Register of Sasines, and as nearly as possible contemporaneously with the Minute Books and Volumes of the Register, and such Indexes shall be consolidated from Time to Time for such Periods as may be deemed expedient: Provided always, that it shall be lawful at any Time for the Lord Clerk Register, if he shall think fit, to direct that Abridgments shall cease to be prepared

separately from the Minutes, and in that Case the Minutes shall be printed under the Superintendence of the Keeper of the General Register of Sasines, in lieu of printing such Abridgments.

Printed Abridgments, &c., and Indexes to be transmitted to Counties.

8. The Keeper of the General Register of Sasines shall transmit the said printed Abridgments, or printed Minutes and Indexes, from Time to Time as the same are prepared, to the Department of the Lord Clerk Register; and the Lord Clerk Register shall at the End of each Year, or as soon thereafter as the same shall be prepared and transmitted to his Department, furnish to the Sheriff Clerk of each County a printed Copy of the Abridgments or Minutes and Indexes for such County applicable to such preceding Year, and shall also furnish to each such Sheriff Clerk, as soon as prepared and transmitted to his Department as aforesaid, a printed Copy of each consolidated Index applicable to such County; and such Abridgments or Minutes and Indexes so furnished to the Sheriff Clerks shall be made patent by them to the Public on Payment of such reasonable Fees as may be fixed by the Lord Clerk Register with the Sanction of the Court of Session, which Fees shall be accounted for by the Sheriff Clerks to the Lord Clerk Register as Part of the Fees of his Department.

Clause A. Power to Lord Clerk Register to introduce Process of Photozincography.

9. It shall be competent to the Lord Clerk Register, with the Consent of the Treasury, and with the Approbation of the Lord Justice General, the Lord Advocate, and the Lord Justice Clerk, if he shall be satisfied that the same may be done with due Regard to Security and Economy, and under such Regulations as he may prescribe, to substitute for the present Mode of engrossing Writs the filing of Copies obtained by the Process of Photozincography; and all the Provisions now applicable to engrossed Copies shall, so far as practicable, apply to Copies so obtained, and in that Case the Lord Clerk Register shall direct a Duplicate of such Copy so obtained to be transmitted to the Sheriff Clerk of the County within which the Lands lie within One Month of the Date of Registration, to be received and preserved by him as is herein-before directed in regard to the printed Abridgments and Indices, and the Lord Clerk Register shall, prior to the First Day of October One thousand eight hundred and sixty-eight, make a special Report to the Treasury on this Subject.

Registration in General Register of Sasines equivalent in certain Cases to Registra-

10. It shall not be necessary to register in the Books of Council and Session for the Purpose of Preservation, or of Preservation and Execution, any Writ competent to be registered in the General Register of Sasines, and which shall have been so registered, and such Writ being registered in the said Register of Sasines shall be

be held to be registered also in the Books of Council and Session for Preservation, or for Preservation and Execution, as the Case may be; and such Writ, when presented for Registration in the said Register of Sasines, shall have a Warrant of Registration written thereon, in or as nearly as may be in the Form of Schedule (A.) to this Act annexed, specifying that the Writ is to be registered for Preservation, or for Preservation and Execution, as well as for Publication, and signed by the Person in whose Behalf the Writ is presented or his Agent; and the Writ, with such Warrant, being so registered in the said Register Sasines, shall not be re-delivered to the Ingiver, but an Extract only (containing as Part of said Extract, where the Writ is registered for Execution, a Warrant for Execution) shall be delivered, which Extract may be issued without abiding the actual booking in the Register, and shall be in the Form, as nearly as may be, of the Schedule (B.) to this Act annexed; and the Writs themselves, after having been engrossed in the General Register of Sasines in Terms of Law, shall be periodically transmitted by the Keeper of the said Register of Sasines to the Lord Clerk Register or his Deputies, and through the Office of the Keeper of the Register of Deeds and Probative Writs and Protests in the Books of Council and Session, or otherwise, as the Lord Clerk Register shall prescribe, and shall be indexed, either separately, or along with other Writs registered in the Books of Council and Session, as the Lord Clerk Register may direct; and such Registration in the General Register of Sasines shall have all the legal Effects of Registration in the Books of Council and Session for Preservation, or for Preservation and Execution, as the Case may be, as well as of Registration in the General Register of Sasines: Provided always, that no Writ shall be held to be registered for the Purpose of Execution which does not contain a Procuratory for Registration, or Clause of Consent to Registration, for the Purpose of Execution, in the Body of the Writ; and such Extracts as aforesaid, One or more, of all Writs so registered in the said Register of Sasines may be issued at any Time by the Keeper of the said Register of Sasines, or, after Transmission as aforesaid, by the Deputy Keeper of the Records, or by any one having their Authority respectively; and all such Extracts, and the Warrants of Execution therein contained, shall have all the like Force and Effect as any Extract from the Books of Council and Session, or as any Warrant of Execution contained in or appended to such Extract, or as any Extract from the General Register of Sasines, according to the existing Law and Practice; and such Extracts, in Terms of this Act, shall be equivalent to the registered Writs themselves, except where any Writ so registered shall be offered to be improven.

tion in the Books of Council and Session.

No higher Fees to be chargeable for Writs registered for Preservation and Execution as well as Publication.

11. No Fees shall be chargeable at the Office of the Keeper of the Register of Deeds and Probative Writs and Protests in the Books of Council and Session in respect of any Writs registered in the General Register of Sasines for Preservation, or for Preservation and Execution, as well as for Publication, in Terms of this Act; and the Fees to be charged in respect thereof, and of the Extract given out at the Time of Registration at the Office of the General Register of Sasines, shall be the same, with the Addition only of any Outlay for the Writing and Stamps of such Extract, as would have been chargeable if the Writ had been registered for Publication only.

Registered Writs to be authenticated.

12. The Certificate of Registration on every Writ that shall be registered in the General Register of Sasines and re-delivered to the Ingiver shall be signed by the Keeper of said Register, or a Deputy duly commissioned by him to that Effect; and no further Signature in order to or in token of such Registration shall be necessary to any Writ presented for Registration in the General Register of Sasines, but every Sheet of such Writ shall, in token of such Registration, be impressed with an Office Seal or Stamp to be kept in the said General Register of Sasines.

Writs containing Description by reference to prior registered Writ to specify Volume and Folio of Register in which prior Writ engrossed.

13. Every Conveyance, Discharge, or other Deed or Instrument, which shall refer, as allowed by the Thirty-fourth Section of the Titles to Land (Scotland) Act, 1860, to a particular Description contained in a prior Conveyance, Discharge, or other Deed or Instrument recorded in a Register of Sasines, shall specify the Book or Volume of such Register, and the Folio or Folios of such Book or Volume in which such prior Conveyance, Discharge, or other Deed or Instrument is engrossed.

Court of Session may cause Tailzies to be registered for Preservation.

14. It shall be competent to any Institute, Heir of Entail, Trustee, or other Person interested in any Tailzie, to apply to the Court of Session for Warrant to register such Tailzie in the Books of Council and Session for Preservation, as well as in the Register of Tailzies for Publication, where not previously so registered; and it shall be lawful for the Court, under such Application, to cause such Registration to be made at the Expense of the Applicant, or of the Institute or Heir of Entail in possession, as the Court shall direct, and with a view to such Registration to order Production of such Tailzie or grant Diligence for its Recovery.

Register of Interruptions of Prescriptions to

15. The Register of Interruptions of Prescriptions shall be discontinued as a separate Record, and all Writs appropriate thereto may be presented and registered in the General Register of Sasines, in

in the same Manner as any other Writs appropriate to said General Register of Sasines; and Registration thereof in the General Register of Sasines shall have all the like Force and Effect as Registration in the Register of Interruptions of Prescriptions previous to the passing of this Act. be discontinued as a separate Record.

16. The Particular Registers of Inhibitions and Interdictions throughout Scotland shall be discontinued, and all Writs at present appropriate to those Registers, or any of them, shall be registrable only in the General Register of Inhibitions, which shall be the only competent Register for the Registration of Inhibitions and Interdictions; and no Publication whatever of such Writs, other than Registration in said General Register of Inhibitions, shall in future be necessary, but such Registration shall for all Purposes whatsoever have all the legal Effect of the Publication at present in use. Particular Registers of Inhibitions abolished.

17. The Keeper of the General Register of Hornings, Inhibitions, and Adjudications shall keep only One Minute Book for Inhibitions and Adjudications, and shall frame only One Index applicable to all Inhibitions and Adjudications recorded in his Office; and such Minute Book and Index shall be in such Form as may be prescribed by the Lord Clerk Register, and shall be printed, and a Copy thereof transmitted in like Manner as is provided in regard to Abridgments and Indices in the Register of Sasines. General Register of Inhibitions and Register of Adjudications to be treated as One Register.

18. The Particular Registers of Hornings and Expired Charges shall be continued as at the Date of the passing of this Act: Provided always, that where any such Register has been heretofore kept as a joint Register of Hornings and Inhibitions, it shall cease to be a competent Register for the Registration of Inhibitions. Particular Registers of Hornings, &c. not to be affected.

19. It shall be competent, before or after Execution of any Inhibition, to register in the General Register of Inhibitions a Notice thereof, setting forth the Names and Designations of the Persons by and against whom the same is raised, and the Date of signeting the same, in the Form, as nearly as may be, of the Schedule (C.) to this Act annexed; and where an Inhibition and the Execution thereof shall be duly registered in the General Register of Inhibitions not later than Twenty-one Days from the Date of the Registration therein of such Notice thereof, such Inhibition shall take effect from the Date when such Notice was registered as aforesaid, but otherwise only from the Date of the Registration of such Inhibition and the Execution thereof; and no Inhibition shall have any Effect against any Act or Deed done, committed, Inhibitions to take effect from Date of Registration of Notice, &c.

committed, or executed prior to the Registration of such Notice thereof, or of such Inhibition and the Execution thereof, as the Case may be.

Short Form of Letters of Inhibition.

20. Letters of Inhibition may be in the Form, as nearly as may be, of the Schedule (D.) to this Act annexed; and Letters of Inhibition in such Form shall have all the like Force and Effect as Letters of Inhibition in the Form in use at the passing of this Act.

Clause B. Inhibitions to prescribe in Five Years.

21. All Inhibitions subsisting on the Thirty-first Day of December One thousand eight hundred and sixty-six shall prescribe on the Lapse of Five Years after the said Date; and all Inhibitions which shall be recorded after the Thirty-first Day of December One thousand eight hundred and sixty-six shall prescribe on the Lapse of Five Years from the Date on which the same shall take effect as aforesaid: Provided always, that the Raisers of any such Inhibitions, or their Heirs or Assignees, may again record the same before the Expiration of the said respective Periods of Five Years, and on being so recorded such Inhibitions shall continue in force for an additional Period of Five Years from the Date of such subsequent recording: Provided nevertheless, that in the Case of Inhibitions subsisting at the Thirty-first Day of December One thousand eight hundred and sixty-six, no such Inhibition shall in any Case be effectual for a longer Period than it would have remained in force if this Act had not been passed.

Adjudications to receive effect from Date of Registration of Notice, &c.

22. It shall be competent to register in the Register of Adjudications a Notice of any signeted Summons of Adjudication for Debts or in Security, setting forth the Names and Designations of the Pursuer and Defender, and the Date of signeting the same, in the Form, as nearly as may be, of the Schedule (E.) to this Act annexed; and no Summons of Adjudication shall have any Effect in rendering litigious the Lands and Heritages therein contained, except from and after the Date of the Registration of such Notice.

Provision as to Official Searchers.

23. The Lords Commissioners of Her Majesty's Treasury shall have Power, upon the Application from Time to Time of the Lord Clerk Register, to regulate the Number of Official Searchers of the Records, *and to grant to such Searchers such Remuneration out of Funds to be provided by Parliament for that Purpose as their Lordships shall deem fit;* and it shall be competent to any one ordering a Search to select any One of the Official Searchers for the Time being whom he may prefer to make the same: Provided always, that

that nothing herein contained shall interfere with the Right of Parties or Agents to employ any Person to search the Records.

Reduction of Fees of Registration, &c.

24. It shall be competent to the Lord Clerk Register from Time to Time, after the Discontinuance of all the Particular Registers of Sasines in Terms of this Act, to make Application to the Lord President of the Court of Session, the Lord Advocate, and the Lord Justice Clerk, all for the Time being, to reduce or regulate, and alter or vary, all or any of the Fees drawn for the Time in the General Register House at Edinburgh; and the Lord President, Lord Advocate, and Lord Justice Clerk may, upon each such Application, reduce or regulate the said Fees, or alter and vary the same or any of them.

Establishment of General Register of Sasines and Inhibitions to be regulated.

25. It shall be lawful for the Lords Commissioners of Her Majesty's Treasury, upon the Application of the Lord Clerk Register, to regulate from Time to Time the Offices of the General Register of Sasines, and of the General Register of Hornings, Inhibitions, and Adjudications under this Act, and to sanction such increased Establishment of Deputies, Assistants, Clerks, or other Officers as may be necessary for the Purposes hereof, and to fix the Salaries and Remuneration to be allowed to the Officers of the said Departments respectively; *and such Salaries and Remuneration shall be payable out of Funds to be provided by Parliament for that Purpose.*

Remuneration to Sheriff Clerks.

26. It shall be competent to the Lords Commissioners of Her Majesty's Treasury to direct reasonable Allowances for Trouble to be paid to Sheriff Clerks out of any Fees to be collected by them under this Act.

Compensation Clause.

27. It shall be competent for every Keeper of any Register whose Office shall be discontinued under the Provisions of this Act to apply to the Lords Commissioners of Her Majesty's Treasury, who, on Proof of the average Amount of the Emoluments received by such Keeper, after defraying the Expenses of his Establishment, and to which he was personally entitled under the present System of Registration, to award to him such Compensation as the said Commissioners shall deem just; and such Compensation shall be payable out of any surplus Fees of the Department to which it relates, *or out of any other Funds to be provided by Parliament for that Purpose.*

Clause C. Responsibilities of Keepers of

28. The Keeper of the General Register of Sasines shall, from and after the Discontinuance of the particular Registers, or any of them,

Particular Registers to attach to Keeper of General Register.

them, be subject to such and the like Responsibilities and Liabilities for Loss and Damage by reason of Neglects, Omissions, or Errors in the Registration of Writs in the General Register of Sasines as the Keepers of the Particular Registers of Sasines have hitherto been and now are subject to with reference to the Registration of Writs in such Particular Registers.

Act not to extend to Burgh Registers.

29. This Act shall not extend or apply to Burgh Registers of Sasines.

Commencement of Act.

30. This Act shall take effect from and after the First Day of October One thousand eight hundred and sixty-six.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

WARRANT of REGISTRATION on a WRIT to be REGISTERED for PRESERVATION, or PESERVATION and EXECUTION, as well as PUBLICATION.

Register on behalf of *A.B.* [*insert Designation*] for Preservation [*or* Preservation and Execution], as well as Publication.

(Signed) *A.B.*
[*or*] *C.D.*, W.S., Edinburgh,
Agent of the said A.B.
[*or as the Case may be.*]

SCHEDULE (B.)

EXTRACT of DEED, containing WARRANT of EXECUTION.

At Edinburgh, the Day of One thousand eight hundred and between the Hours of and Forenoon [*or as the Case may be*], the Writ, with Warrant of Registration thereon, herein-after engrossed, was presented by [*insert Name and Designation of Presenter*] for Registration in the General Register of Sasines for Publication, and also as in the Books of the Lords of Council and Session for Preservation [*or* for Preservation and Execution, *as the Case may be,*] and is, with said Warrant of Registration, recorded in the said Register of Sasines as follows:

[*Insert full Copy of the Deed and Warrant of Registration, and where Deed is recorded for Execution, insert Warrant for Execution as follows:*

And the said Lords grant Warrant to Messengers-at-Arms in Her Majesty's Name and Authority to charge the Party or Parties aforesaid, bounden by the foresaid Writ, personally, or at his, her, or their respective Dwelling Place or Places if within Scotland, and if furth thereof, by delivering a Copy or Copies of Charge at the Office of the Keeper of the Record of Edictal Citations at Edinburgh, to pay, implement, and perform the whole Sum or Sums or Obligations, or any of them, specified in the said Writ, all in Terms and to the Effect therein contained; and that to the Party or Parties to whom the said Sum or Sums or Obligations are, by the Terms of said Writ, payable or undertaken, within Six [*or* Fifteen, *as the*

Case may be] Days if within Scotland, and if furth thereof, within Twenty-one Days next after he, she, or they are respectively charged to that Effect, under the pain of Poinding and Imprisonment, the Term or Terms of Payment being always first come and bygone; and also with Deduction of any Sum or Sums paid to Account (if any); and also grant Warrant to arrest the said Party or Parties bounden as aforesaid, his, her, or their readiest Goods, Gear, Debts, and Sums of Money in Payment and Satisfaction of the said Obligations, or any of them: And if the said Party or Parties bounden as aforesaid fail to obey the said Charge, then to poind the said Party or Parties bounden as aforesaid, his, her, or their readiest Goods, Gear, and other Effects; and if needful for effecting the said Poinding, grant Warrant to open all shut and lockfast Places in Form as effeirs]. Extracted on this and the preceding Pages by me, Keeper of the General Register of Sasines [*or* Deputy Keeper of the Records, *or other Officer duly authorized, as the Case may be.*]

(Signed) *A.B.*

SCHEDULE (C.)

Notice of Inhibition.

Notice of Letters of Inhibition.—*A.B.* [*insert Designation of the Inhibitor*] against *C.D.* [*insert Designation of the inhibited*].—Signeted [*insert Date of signeting*].

SCHEDULE (D.)

Form of Letters of Inhibition.

Victoria, &c.—To Messengers-at-Arms and others, Our Sheriffs, greeting: Whereas it is humbly shown to us by Our Lovite *A.B.* [*insert Designation*], Complainer, against *C.D.* [*insert Designation,*] that [*set forth as concisely as possible the Document on which the Inhibitor proceeds*]: Our Will is herefore, and We charge you, that ye lawfully inhibit the said *C.D.*, personally or at his Dwelling Place, if within Scotland, and if furth thereof, at the Office of the Keeper of the Record of Edictal Citations at Edinburgh, from selling or otherwise affecting his Lands or Heritages to the Prejudice of the Complainer; and that ye cause register these Our Letters in the General Register of Inhibitions at Edinburgh for Publication to Our Lieges. Given under Our Signet at Edinburgh, this Day of in the Year

SCHE-

SCHEDULE (E.)

Notice of Summons of Adjudication.

Notice of Summons of Adjudication.—*A.B.* [*insert Designation of Pursuer*] against *C.D.* [*insert Designation of Defender*].—Signeted [*insert Date of signeting*].

Writs Registration (Scotland).

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To improve the System of Registration of Writs relating to Land in Scotland, and to amend the Law relating to Inhibitions and Adjudications.

(*Prepared and brought in by The Lord Advocate, Mr. Solicitor General for Scotland, and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 2 *July* 1866.

[Bill 203.]

Under 2 *oz.*